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REPORT
OF THE
HOUSE COMMITTEE
APPOINTED TO VISIT THE
CHEROKEE NEUTRAL LANDS.

1870.

TOPEKA, KANSAS:
S. S. PROUTY, PUBLIC PRINTER
PRINTED AT THE "COMMONWEALTH" STATE PRINTING HOUSE.
1870.

Kansas. Legislature. House of representatives.
" Select committee (to)

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MAJORITY REPORT.

MR. SPEAKER: We, the undersigned, a majority of the select committee appointed under the resolutions of the House, adopted February 4th, 1870, to take into consideration that portion of the Governor's Message which refers to the Neutral Lands, etc., with power to send for persons and papers, and with authority to visit that region and report, both upon the action of the troops and of the people on those lands, respectfully report that, in pursuance of said resolutions, the committee visited the Cherokee Neutral Lands, and took the testimony of witnesses at Girard and Columbus, on those lands, as also that of witnesses at Baxter Springs, Fort Scott and Topeka, all of which testimony is herewith submitted and made a part of this report:

We, the undersigned, find from the evidence that as early as February, 1869, an organization existed on those lands known as "The Land League;" that such organization still exists there, and that its name now is "The Neutral Land Home Protecting Corps" that it was, and still is, a secret quasi-military organization numbering upwards of fifteen hundred men, commanded by a general and drilled into regiments, battalions and companies, commanded by colonels, lieutenant colonels, majors, captains, and other officers with military designations; that one of the objects of said organization was to prevent the building of the Missouri River, Fort Scott & Gulf Railroad through the Neutral Lands, until James F Joy should relinquish his right or claim to those lands; that in accordance with the settled purpose of the League, about two hundred of their number, being fully armed, marched on Baxter Springs to break up the railroad land office at that place, and did, by threats and intimidation, compel its removal therefrom; that during the spring and early summer of 1869,

members of "The League" forcibly burned about twenty-six hundred railroad ties in Cherokee county on those lands; also, that they arrested Col. J. A. J. Chapman and Capt. John Runk, jr., engineers on the road, together with their party of assistants and laborers, and after burning the wagons, tents, surveying instruments, blankets, commissary stores, etc., drove the subordinates of the surveying party from the lands, with orders never to return in the employ of the railroad company, under penalty of death, and that they then marched Col. Chapman and Capt. Runk several miles south, when they stripped off the coats from their prisoners, hoodwinked them and administered to each of them fifteen lashes, and then ordered them to leave, to never return, and to never mention what had occurred, under penalty of death; also, that they forcibly drove from the line of the railroad laborers, agents and other employees, and from the Neutral Lands many persons, because of their opposition to the League and their friendship with the railroad company.

We also find that the Governor of the State was informed by verbal statements, letters, affidavits, petitions and official certificates of the officers of Crawford and Cherokee counties, of the perpetration of these outrages, and that the violators of the law were too formidable to be successfully resisted or restrained by the civil officers of those counties; that, acting upon the information thus received, the Governor made application to the proper military authorities for a sufficient force of United States troops, to be stationed on those lands, to preserve the peace and to protect persons and property; that, in compliance with that request, troops were sent and are there now, stationed at different points in Crawford and Cherokee counties, contiguous to the line of the road, under the command of Major James P. Roy, of the Sixth United States Infantry—a gallant soldier, a most excellent and discreet officer, an honest and disinterested man.

We further find that prior to the arrival of troops on those lands lawlessness prevailed and terrorism reigned there; that but for their presence the railroad could not have been built through the lands, nor could persons who advocated the building of the road have safely remained there. We further

find that since troops have been stationed on those lands order has prevailed throughout that region, although a very hostile feeling seems still to exist among the people; so intense indeed that, as we believe, should the troops be removed, collisions, resulting in bloodshed, would ensue. We, therefore, believe that there was a necessity for United States troops on the Neutral Lands at the time that they were stationed there; and, we further believe that that necessity exists.

All of which is respectfully submitted.

JOHN T. BURRIS,
E. H. LE DUC,
JOHN K. WRIGHT.

Majority of Committee.

TESTIMONY.

Committee met at Fort Scott this the 7th February, 1870, and organized by Amos Sanford in the chair and John. K. Wright elected Secretary, and proceeded to take depositions.

Witness, J. B. White, being duly sworn according to law, deposeth and saith:

By Col. Burris:

1st Q. What is your name, age, place of residence and occupation?

1st A. John B. White; reside at Kansas City; 29 years of age; tie inspector of Missouri River, Fort Scott & Gulf Rail Road.

2d Q. How long have you been in the employ of that railroad company?

2d A. One year and twenty-three days.

3d Q. Do you know of any railroad ties which were furnished for that company being burned or destroyed, and if so, when, where, how many, and by whom destroyed?

3d A. Yes, sir. I know of about two thousand ties being burned in Cherokee county, four hundred burnt about the last of June, 1869, and sixteen hundred about the 1st of August, supposed to be burned by the Land Leaguers of that county.

4th Q. In what condition were those ties previous to being burned; were they scattered about or piled up together?

4th A. They were scattered about or left as they were manufactured in the woods.

5th Q. Must they have been collected together in order to be burned?

6th A. Yes, sir.

7th Q. Were they thus collected by the company or its employees?

7th A. No, sir.

8th Q. About how much are railroad ties worth each?

8th A. Sixty-five cents delivered on the line, and about forty-five cents each, as those were.

9th Q. Have you seen the place or places since the burning of those ties, where they were burned?

9th A. Yes, sir.

10th Q. Were they burned all in one place or in different places?

10th A. In different places.

11th Q. Have you had any conversation with any of those persons whom you call Land Leaguers, and if so, who were they, and when and where were such conversations?

11th A. I had conversation with Mr. Smith, merchant and post-master at Wirtonia, sometime in June, last (1869) also with Mr. Keeler, at his residence near the county line, between Crawford and Cherokee, sometime in September or October, 1869.

12th Q. What was the conversation between yourself and Mr. Smith?

12th A. Mr. Smith told me that he was a member of the League, that it was unsafe for Mr. Joy or any of his agents to come on to the land. I asked Mr. Smith if the railroad would be built if troops protected the workmen on the road; he said the road would probably be built, but could not be

run successfully after the troops were taken away; he said that he did not believe in land monopolies, and that Mr. Joy would be assassinated in Detroit by himself, or some other member of the League if he persisted in building the road.

13th Q. What was the conversation between yourself and Mr. Keeler?

13th A. Mr. Keeler said that he regretted very much the difficulties between the Land Leaguers and the railroad company; that he did not approve of the violence that had been used towards them, meaning the railroad company or employees; that he was a prominent member of the League; that he had joined the League purely for the purpose to contest the title of the Land Purchase, and that he yet feared that depredations would be committed when the road was no longer protected.

14th Q. Do you know of any other or further depredations being committed by the Leaguers than those of which you have spoken of your own personal knowledge?

14th A. No, sir.

15th Q. Do you, of your own personal knowledge, know of any other or further threats being made by the Leaguers against the railroad company or its employees?

15th A. Yes, sir. One other man at Wirtonia threatened the life of Mr. Joy; said he belonged to the League; know where he lives, but don't know his name.

16th Q. Did you ever, at any time, hear any one of the Leaguers threaten to take to the bush in any event, and if so, under what circumstances, when and where was the threat made, and by whom?

16th A. Yes, sir. By Mr. Smith. In my conversation with him, already referred to, he said that he was not too old to take to the bush if his rights were infringed upon.

By E. H. Le Duc:

17th Q. What evidence have you that the ties were burned by the Leaguers?

17th A. I have no evidence of my own personal knowledge.

18th Q. What leads you to think that the Leaguers burned them?

18th A. By statements of other parties.

19th Q. Who were those parties?

19th A. The foreman and other parties that manufactured the ties; I cannot give you the names.

20th Q. Did they tell you that they knew who burned them?

20th A. They told me that they knew who burned them, and that they belonged to the Leaguers.

By J. H. Snead:

21st Q. In the conversation you had with Mr. Smith and Mr. Keeler, did they state to you the intention or object of the League?

21st A. Yes, sir; Mr. Keeler inferred the object of the League in his statement to me.

22d Q. What do I understand by your saying what he inferred?

22d A. Mr. Keeler stated that when he first joined the Leaguers he joined for the purpose of contesting the title of the land, but didn't approve of the opposition to the railroad company.

23d Q. Did Mr. Smith state to you the object of the League?

23d A. Mr. Smith told me that I might be an agent of Mr. Joy's, and that the members of the League proposed to hold the lands in spite of Mr. Joy or any of his damned pimps.

By Amos Sanford:

24th Q. Are you sure that Mr. Smith used the word damned?

24th A. I am.

25th Q. Do you know whether or not any of the Leaguers have ever been arrested for burning the ties you speak of?

25th A. I do not.

26th Q. Was there any complaint filed or warrant issued for that purpose?

26th A. None that I know of.

By J. H. Snead:

27th Q. Have you ever been mistreated by any of the Leaguers?

27th A. No, I have not; I have never been known to the Leaguers as a railroad man until after the troops were on the ground.

By J. T. Burris:

28th Q. Do you know or did you hear from any one of the Leaguers how numerous they were who were among these leading officers, and whether the Leaguers were, prior to the arrival of the troops on the ground, habitually armed?

28th A. I heard a good deal said upon that subject, but would not swear that I heard any Leaguers say anything about it; as to their being armed, I do not know from my own knowledge, or from the statement of the Leaguers.

By E. H. Le Duc:

29th Q. Do you know whether the railroad employees have ever had any trouble with the settlers on the line of the railroad, or done any damage to the settlers?

29th A. They have had trouble with men belonging to the Leaguers, but don't know as they have had any personal encounters or difficulties with any of the settlers.

30th Q. For what purpose were the troops stationed there for?

30th A. I understood that they were placed there to protect railroad employees and railroad property.

31st Q. Were the railroad employees in any danger from the Leaguers before the troops were stationed there?

31st A. I think so.

By J. H. Snead:

32d Q. What makes you think so?

32d A. By the statements made by Mr. Smith.

33d Q. Do you think that there is any necessity for troops to be stationed on the Neutral Lands now?

33d A. Yes, sir.

34th Q. For what purpose?

34th A. For the purpose of protecting railroad employees and railroad property.

By J. H. Snead :

Q. Would you have any fears as one of the railroad employees to go upon the Neutral Lands if there were no troops stationed there?

A. I should have, to transact railroad business.

JOHN B. WHITE.

By J. T. Burris:

Witness Johnson Virtue, being duly sworn according to law, deposeth and saith :

1st Q. What is your age, where do you reside and what is your occupation?

1st A. I have been residing on this railroad since March last; my home is in Minnesota, my age is thirty-five years; my occupation is that of a contractor of stone work on the Missouri River, Fort Scott and Gulf Railroad.

2d Q. Have you ever been upon the Cherokee Neutral lands?

2d A. Yes, sir.

3d Q. Have you ever had any conversation with any of the Land Leaguers on that tract of land; and if so, when where, and with whom?

4th A. In August last I had conversation with a man by the name of Langdon, who called himself a Major of the League, as I understood him.

5th Q. State what that conversation was?

5th A. He asked me what I was doing in the country and where I came from; I told him that I had been here since March, and that I came from Minnesota, and he further asked me if I was not afraid to come down in that country on account of the troubles there was about land, between the settlers and railroad company; I told him that I was not afraid, as I was not interfering with either party; he said that any man traveling in that country was as safe there as

anywhere, if he was not known to be a railroad man, but railroad men could not be safe to cross into Crawford county, until the trouble were settled without troops; I asked him where the troops were a going, as Gen. Hazen had got into Fort Scott with troops before I left Scott; he looked at me and asked me if that was so; I told him yes, I had seen them here; he said that would settle the question.

6th Q. Did Major Langdon, in the conversation you had with him, make any threats against railroad men or railroad property before you informed him of the arrival of troops at Fort Scott?

6th A. I asked Mr. Langdon if ever this man, Joy, was on the land that they were contesting. He said that he was supposed to go through there as a cattle drover, at one time to Baxter Springs, from there to Chetopa; I think he said back by the way of Garnett; he said that if they would catch him there now, they would kill him quicker than hell would scorch a feather.

7th Q. Have you, at any time, heard any other or further threats from any of the Land Leaguers against the railroad men or railroad property, and if so, when, where and by whom?

7th A. Yes, I have heard some threats made by men, but have not their names, but know where they live; one is in Cherokee and one in Crawford county, with whom I stopped in particular; and a number of them, in fact, talked the same way; most all the people who lived in the country talked against the railroad, but those in the towns talked rather in favor of the railroad. The cry was, among the men who lived in the country, that the railroad could not be built except it was protected by blue coats.

8th Q. Where did this Major Langdon, of whom you speak, reside?

8th A. He lived on Cow Creek, (so called) I think, Crawford county.

By A. Sanford:

9th Q. Have you, within the last three or four months, had any of the Leaguers under your employ near Columbus,

Kansas, and if so, what did they do, and how much did you agree to pay them per day?

9th A. I had some farmers, I don't know that they were Leaguers, working for me, hauling rock; I sent my foreman down there to open the work down there; he asked me, when he was a going down, what he would pay for teaming; I told him the same as we were paying along the line, that was four and a half per day; he understood the wages as well as I did.

10th Q. When the men were paid off was there any complaint made by them, and if so, what was it?

10th A. There was, three or four said that they thought that they were to have more than four and a half per day; I told them that that was what we were paying along the line, and they appeared satisfied; they took their money and went on to work again, all we wanted of them, until we got through, which was about the 10th of January, 1870.

11th Q. Is there an ill feeling between the railroad employees and the settlers or farmers around Columbus?

11th A. Not that I know of.

12th Q. Do you know of any threats on the part of the railroad men under your charge, to destroy the printing office in Columbus?

12th A. No, sir.

13th Q. Did you give these teamsters authority to take rock from the claims of citizens there, without paying for it?

13th A. No, sir. I agreed to pay one man, Mr. Davis, which I paid him part, but have not hauled all away yet.

14th Q. Did the railroad engineers, or anybody else, authorized by the railroad company, direct you or any other employees of the road to haul stone from the claims of the settlers without paying them for it?

14th A. No, sir; but they told me that I could take rock from anywhere I could find it on claims that were not settled on, but where farmers were settled on claims I would have to arrange with them for it; we never had any trouble about rock until we got to Columbus.

By J. H. Snead:

15th Q. Did Langdon tell you that he was a Leaguer?

15th A. Yes, sir.

16th Q. Did he tell you what the League was for?

16th A. Yes, sir. He said it was to test the title to the land.

17th Q. Did he threaten any one but Joy?

17th A. No, sir. He did not.

18th Q. Did you ever tell Joy about the threats?

18th A. No, sir. I don't know him.

19th Q. While you have been on the road, have you or any of your men been personally mistreated by the settlers?

19th A. No, sir.

20th Q. Have you any desire who shall prevail in the contest a going on between the railroad company and the settlers?

20th A. No sir, not any; I work for money, and so I get my pay is all I care for.

By A. Sanford.

21st Q. What trouble did you have at Columbus about rock?

21st A. They did not seem to want us to take rock.

J. VIRTUE.

Dr. J. S. Redfield, who being first duly sworn according to law, deposeth and saith:

By J. T. Burris:

1st Q. State your name, age, place of residence, and profession?

1st A. My name is John S. Redfield; my age is 47 years; residence, Fort Scott; profession, physician.

2d Q. Are you acquainted with any of the so-called Land Leaguers on the Cherokee Neutral Lands?

2d A. I am acquainted with Mr. Smith, of Wirtonia, whom I have heard stated was a Leaguer, and I have heard him say that he was so, in a crowd.

3d Q. Do you know the business in which Mr. Smith referred to, is engaged?

3d A. He was in the mercantile business at the time, but whether he is now or not I don't know.

4th Q. What statements have you heard Mr. Smith make with reference to James F. Joy, Missouri River, Fort Scott & Gulf railroad company, or its employees or property?

4th A. I have heard him say that Joy would not be safe on the lands if he came there; that they might run the road with troops, but that they could not always keep them there, and that they could not run without, or something to that effect.

5th Q. Have you heard Mr. Smith, or any other Land Leaguer, make any other threats than those which you have already stated?

5th A. I have. I have heard Mr. Smith and others say a great deal in the way of threats, but I don't recollect what it is. I have not paid much attention to their talk.

6th Q. Did you ever hear Mr. Smith, or any other Land Leaguer, threaten to take to the bush or brush, or in any way threaten to use violence against the employees of the railroad company?

6th A. No, sir. I don't know that I have.

JOHN S. REDFIELD.

Maj. James P. Roy, being duly sworn according to law, deposeth and saith:

By John T. Burris:

1st Q. What is your name, age, place of residence, occupation or profession?

1st A. James P. Roy, major United States army; residence in the United States; occupation, a soldier; age, 41 years.

2d Q. Where are you stationed, and of what troops are you in command?

2d A. My headquarters are at Fort Scott, Kansas. I am in command of a battalion of four companies of the sixth

United States infantry, and one company of the seventh United States cavalry, which troops are stationed on what is known as the Cherokee Neutral Lands.

3d Q. How long have troops been stationed on the Cherokee Neutral Lands?

3d A. I think about the first of July, 1869, one company of the sixth infantry arrived there; then they were followed about the first of September by three more companies of same regiment, and about the first of November there arrived a troop of the seventh United States cavalry.

4th Q. When did you assume command of the forces stationed on the Neutral Lands?

4th A. About the tenth of September, 1869.

5th Q. How are the forces under your command situated; are they in garrisons, camps, cantonments, or are they quartered upon the people residing upon those lands?

5th A. The troops occupy temporary barracks at different points adjacent to the line of the railroad. The first station is on Middle Dry Wood, about fifteen miles south of Fort Scott; the second about four and a half miles north of Girard, on Cow Creek, in Crawford county; the third at the head of Limestone Creek, about seven miles south of Girard; the fourth or last station is about one and a half miles southeast of Columbus, Cherokee county.

6th Q. From what source do the troops under your command draw their quartermaster, commissary and medical supplies?

6th A. The fuel and forage is purchased at Fort Scott and the points adjacent to the stations of the troops. The commissary and medical supplies are supplied by the United States government.

7th Q. Who pays for the supplies purchased at Fort Scott and stations adjacent to where the troops are stationed?

7th A. The United States government.

8th Q. Have you permitted to be committed, or do you know of having been committed, without your consent or contrary to your orders, by the forces of your command, depredations upon the people upon the Neutral Lands?

8th A. Never; nor has there been a single complaint on the part of citizens in regard to acts of wantonness committed by the soldiers.

9th Q. Do you know of any ill feeling existing between the enlisted men of your command and the citizens generally of the several localities in which they are stationed?

9th A. I do not, but believe, on the contrary, that an excellent state of feeling exists between the soldiers and citizens.

11th Q. What reasons have you for believing that so excellent a feeling exists between the soldiers and citizens on the Neutral Lands?

11th A. From the fact that at the expiration of every two months the paymaster comes around and pays off the troops, disbursing to them from eight to twelve thousand dollars, nine-tenths of which money is absorbed by the citizens, and also the produce of the Neutral Lands is mainly bought by the troops stationed near them.

12th Q. Have you had any conversation with persons calling themselves Land Leaguers concerning the removal of the troops from the Neutral Land?

12th A. I have, and believe from what those with whom I have conversed say, although they were opposed to the troops coming there in the first place, that they do not now object to their being there.

13th Q. From what you have seen and heard do you believe that the people generally on the Neutral Lands desire the removal of the troops?

13th A. I do not, from the fact that self interest would prompt the people to retain the presence of the troops so long as they behave themselves, as for reasons given above.

14th Q. Do you believe, independently of all railroad considerations, that the retaining of the troops on the Neutral Lands is a benefit or an injury to the people of that region?

14th A. I should say benefit, decidedly.

By A. Sanford:

15th Q. By what authority, and for what purpose were troops stationed on the Neutral Lands?

15th A. I was ordered here by Major General Hazen, District Commander. I have never received any instructions in any manner, shape or form, since I have been in command of the troops stationed as above.

16th Q. Do you know of any necessity for the aid of the military arm of the government on said lands at this time, or at any time previous?

16th A. Not knowing, I cannot say. I have not been called upon by any civil authorities since I have been here. I do not know whether the necessity exists or not. There has been no trouble since I have been stationed here.

17th Q. Are you governed by the special orders issued by General Hazen?

17th A. General Hazen is no longer in command of the district, therefore I am not governed by his orders; I report directly to department headquarters, at St. Louis, Missouri.

18th Q. Have you ever heard from the settlers on the Neutral Lands, of any resistances made to civil officers while in execution of civil process?

18th A. I have not.

By J. T. Burris:

19th Q. Do you know, of your own personal knowledge, what the state of affairs was on the Neutral Lands prior to the stationing of troops there?

19th A. I do not.

JAMES P. ROY,
Major Sixth Infantry.

Committee met at Girard, this the 8th February, 1870, and proceeded to examine C. Dana Sayrs, who, being first duly sworn according to law, deposeth and saith:

By A. Sanford:

1st Q. Where do you reside, what is your name, age and occupation ?

1st A. Girard, Crawford county, Kansas ; name, C. Dana Sayrs ; age, 28 years ; occupation, a lawyer.

2d Q. How long have you resided here ?

2d A. Since August, 1868.

3d Q. State, if you know, whether or not the United States troops are now stationed in this county, and if so, how long, and for what purpose, and by what authority they were so stationed ?

3d A. United States troops are stationed in this county, and have been since July, 1869 ; they were sent, in the first place to assist the sheriff to execute the law ; and, the second place, to intimidate the people ; and, the third place, to stand guard over old soldiers. They were sent by authority of the Governor of this State, Governor Harvey.

4th Q. How do you know that the troops were sent here to assist the sheriff to execute the law ?

4th A. When they came here they asked for the sheriff of the county ; they were to report to him. I will further state that the under sheriff of the county went to their camp and staid with them—lived with them for about three months.

5th Q. Prior to that time had there been any resistance to the execution of the civil law within the county ?

5th A. None that I ever heard of, or know of.

6th Q. Since your residence in the county has there been any necessity for a military force to aid the civil officers in the performance of their duties, and is there any necessity for United States troops being stationed in this county now ?

7th A. There never has been any necessity for troops ; they have remained idle from the time they entered this county until to-day. I never heard of them being called upon to assist the officers in the execution of the law. There is no necessity for them to-day, no more than in Leavenworth or Douglass county.

By J. T. Burris :

8th Q. Were you sheriff of Crawford county, prior to the arrival of troops here.

8th A. No, I was not sheriff.

9th Q. Were you under sheriff, deputy sheriff, constable, United States marshal or any other ministerial officer prior to that time ?

9th A. I was not, sir.

10th Q. How then do you know that no resistance had been made to the execution of civil process in this county ?

10th A. Well, sir. First, having a new district clerk for the county, I assisted him in preparing his docket ; was familiar with all the papers in his court ; no complaint or returns were made, or had been made, by the sheriff of this county, that any processes issued from said court had been resisted by the people ; second, I am familiar with most of the justices of the peace within and for said county ; have had access to their dockets ; have never seen any paper, and have never heard any of their constables, or any justice of the peace say that a process had been resisted by the people ; had there been a process resisted I should certainly have known something of it, I was traveling through the country a great deal.

11th Q. How do you know that there was not a necessity for the stationing of troops in this county ?

11th A. Because the civil law had never been obstructed ; no officer had ever been resisted in the serving of a process ; the men were busy breaking prairie and the women and children were planting the corn.

12th Q. How do you know that there is no necessity now to retain the troops stationed in this county ?

12th A. Because the people are quiet, orderly, friendly, good-natured towards each other, notwithstanding they disagree upon the land question.

13th Q. How do you know that the troops stationed in this county were so stationed by the authority of the Governor of this State ?

13th A. I have had in my hand the certified copy of a letter of the sheriff and a petition of the citizens addressed to him, giving in justification for the sending of the troops here ; I have seen it stated in the papers that the troops were

here by his authority ; I have also been told so by some of the officers, that the Governor had made a requisition on the War Department for troops, and that they were here from such request.

14th Q. In what paper did you see that statement ?

14th A. Fort Scott Press ; I think I saw it in the Record, when Laughlin made a speech there, at Topeka, and I think I saw it in the St. Louis Democrat, and other papers ; I have seen it in the Fort Scott Post and Monitor. The first place I saw it was in the Fort Scott Post.

15th Q. What were you doing over the county as you have before stated ?

15th A. About the first of May, 1868, I had doubts in my mind as how the people stood in the county upon the building of the Missouri River, Fort Scott & Gulf Railroad through the county ; I wished to see whether the people intended by force to resist the construction of the said road. I first went on the west portion of the county ; from thence to the east end, talking with them ; during which time I talked with them at their homes, firesides, on fences, in their fields and never met with a more law abiding people in my life, the last ten years of which was west of the Mississippi river ; I was gone nineteen days, and only found a small handful, out of about three or four hundred settlers, that were disposed to use force against the construction of said enterprise ; my business, thereafter, frequently called me into the country, I saw no organized bands of men, nor heard of any, that were attempting to resist the law, or injure the person of the sheriff ; it was quite an uncommon thing to meet with armed men ; I, myself, never was in the habit of carrying anything but a penknife in the shape of weapons, except on election day I had a pistol, when nearly everybody was armed ; I correct, by saying a great number were armed on election day.

16th Q. What was your business in canvassing the county during the nineteen days, as referred to in answer to the last question ?

16th A. I started out to feel the public pulse, to know how the boys stood ; I was employed, and brought several

lawsuits for different parties, before justices' courts; was fishing, and trying to have a good time generally; that was my business during that time; I saw or heard of no public meetings; as before stated, everybody was busy farming.

17th Q. Were you at that time perfecting the organization of, or working with the organization known as the Land Leaguers?

17th A. I was not; on the contrary, I was censured by many friends for a railroad speech I had made just before I started out, as court adjourned on Saturday night, and I started Monday.

18th Q. Have you been at any time, and are you now a member of the organization known as Land Leaguers?

18th A. I guess, I am; I belong to an organization vulgarly termed Leaguers, that have associated themselves together, for the purpose of keeping a delegate in Washington, District Columbia, Mr. Laughlin.

19th Q. Has the organization of which you are a member, referred to in the answer in your last question, any other object than that of raising money to defray the expenses of a delegate at Washington, District Columbia?

19th A. Well, sir, it has another object; it has an object to keep united and contend with Mr. Joy if congress should refuse to annul his sale, to raise money to fight him in the courts; if it has any other object, it is unknown to me.

20th Q. When was the organization, vulgarly called Land Leaguers, first created?

20th A. I can't say.

21st Q. Has the organization, vulgarly called Land Leaguers, been changed since its first creation; and if so, when, how many times, and what is its name now?

21st A. We first met in public, after which the meetings became irregular and badly attended; people became downhearted and discouraged, and a secret association was formed; how many times it has changed, I can't say; from the time I became a member of it, which was an association in Baker township in this county, it has not changed; I am still a member of that association; it is called the Anti-Joy League.

22d Q. Do you know of any acts of violence by any of the people of this county, or of Cherokee county, toward the railroad company, or any of its employees prior to the arrival of troops here?

22d A. I do not.

23d Q. Do you not know of J. A. J. Chapman, or other engineers or employees, being driven from the line of the railroad in this county?

23d A. I only know it from hearsay; I don't know it myself.

24th Q. Did you hear any Leaguers say that Mr. Chapman, or any other engineers or employees, were driven off?

Question objected to by Mr. Snead, on account of being incompetent.

24th A. I don't think I ever heard any Leaguers mention Colonel Chapman's name; I have heard some men, can't say whether they were Leaguers or not, say that the railroad should not be built, until they got their land at one dollar and a quarter an acre; one J. W. Lane, who ran as candidate as sheriff, on the railroad ticket, in opposition to the League ticket last fall, as chairman of a committee, offered a resolution in this town in April last, of words in substance, to-wit:

Resolved, That James F. Joy shall not build or construct his railroad on these lands, (meaning the Neutral Lands,) until the settlers got their homes at one dollar and a quarter an acre.

25th Q. Was that resolution adopted?

25th A. It was adopted in a public meeting.

26th Q. Did you ever hear any others, besides Mr. Lane, say that the railroad should not be built until the settlers received their lands?

26th A. Oh, yes, I have heard some others say so.

27th Q. About how many have you heard make such a remark as that?

27th A. I can't say.

By J. H. Snead:

28th Q. How long have you resided in this county?

28th A. Since August 1868.

29th Q. Have the courts during that time up to the present, been open, that civil law could have been enforced?

29th A. Yes, sir, they have been open.

Has there been any disturbance between the settlers and the railroad company or employees, and if so, what was it?

29th A. There has been none that I have any knowledge of; personal knowledge of.

By E. H. LeDuc:

30th Q. Are the people generally in favor of allowing the railroad to be built?

30th A. As far as my knowledge is concerned, I think they are.

By J. T. Burris:

31st Q. Do you not know that at a term of the district court of this county, certain persons charged with obstructing the building of the railroad were released by the court by promising to desist from further obstructing, or resistance of the law.

31st A. My positive knowledge, there never has been any information or complaint filed in the district court for any such offense; and no one has appeared before the district court charged with such offense.

By J. H. Snead:

32d Q. What would you have the Committee understand, by standing guard over old soldiers?

32d A. I meant the settlers in this county, a majority of which were old soldiers, who came from the war on these lands.

C. DANA SAYRS.

Committee met at 8 A. M., February 9th, 1870, pursuant to adjournment.

James S. Dorby: who, being first duly sworn, deposeth and saith:

By A. Sanford:

1st Q. What is your name, age, residence and occupation?

1st A. My name is James S. Dorby; age, 26; I live in Girard; occupation, under sheriff of Crawford county.

2d Q. Who is the sheriff of Crawford county?

2d A. Henry L. Cooffman.

3d Q. Where is he?

3d A. At home, about fourteen miles from here; I heard that he is unable to ride.

4th Q. Are you or not attending to the duties of sheriff of Crawford county at this time?

4th A. Yes, sir; I am.

5th Q. Have you ever been resisted by any one in your county in the execution of civil process?

5th A. No, sir; I have not.

6th Q. Do you know of your own knowledge, or from others, of any resistance being made to any civil officer in the service of writs in your county, or any other forcible resistance on the part of the people of Crawford county to the execution of civil law at this or any previous time?

6th A. No, sir; I have not, nor do not.

7th Q. Is there any necessity for the aid of the military in your county, to assist the civil officers in preserving the peace?

7th A. No, sir; I don't think there is.

8th Q. State, if you know, whether there was ever any such necessity in the county.

8th A. I don't never know of any such necessity.

By J. T. Burris:

9th Q. How long have you resided in Crawford county?

9th A. Since the 25th day of last March, 1869.

10th Q. When did you become under sheriff of this county?

10th A. The 25th day of January, 1870.

11th Q. Do you know of any acts of violence by any of the people of Crawford county against the railroad company, or any of its engineers or employees?

11th A. No, sir; I don't know of it.

12th Q. Do you know of any threats being made by any of the people of Crawford county against the railroad company, its engineers or employees?

12th A. I don't know just how you would construe that; I have not heard any one make any threats personally.

13th Q. Are you a member of the organization known as Land Leaguers or Anti Joy Leaguers?

[Objected to by A. Sanford, for the reasons that the resolutions do not authorize such an inquiry. Burris, Le Duc and Wright decided the question proper; Snead sustained the objection.]

13th A. I am not a member.

14th Q. Is there any such organization in this county as Land Leaguers or Anti-Joy Leaguers?

14th A. I have heard there was.

15th Q. Where were you at the time that J. A. J. Chapman and other engineers and employees were driven from the line of the railroad?

15th A. Absent from home.

16th Q. Do you know of laborers on the railroad having been driven from their work by citizens of Crawford or Cherokee county?

16th A. I don't know of it personally.

17th Q. Have you ever heard from citizens of Crawford or Cherokee county that they had driven engineers, laborers, or other employees of the railroad company, from the line of the road?

17th A. I have heard something of that kind; I never heard it from those concerned in it, that I know of.

18th Q. Where is your home?

18th A. Girard, Crawford county, Kansas.

By J. H. Snead:

19th Q. During that time, have the courts of this county been open so that civil law could have been enforced?

19th A. Yes, sir; I think it could.

20th Q. Since you have been under sheriff, have you ever been resisted by any person or persons in the execution of the law, and if so, by whom and under what circumstances?

20th A. No, sir; I have not.

21st Q. Have you ever been called upon to make any arrest of person or persons for injuring or mistreating the railroad company or any of its employees, and if so, when?

21st A. No, sir; I have not.

22d Q. As under sheriff of this county, do you now think there exists, or ever did exist, the necessity of a military force to aid you, or any civil officer, in the execution of the law?

22d A. No, sir.

By E. H. LeDuc:

23d Q. Who was the sheriff and under sheriff prior to your coming into office?

23d A. James M. Ryan was high sheriff, and B. F. Stahl, under sheriff.

By J. T. Burris:

24th Q. Have troops been stationed in Crawford county during the whole time that you have served as under sheriff?

24th A. Yes, sir.

25th Q. As under sheriff of Crawford county, do you believe that no acts of violence were perpetrated by any of the people of this county against the railroad company, or any of its engineers, laborers, or other employees, prior to the arrival of troops here?

25th A. I believe there was.

By J. H. Snead:

26th Q. Do you know of any violence perpetrated by the citizens of this county against the railroad company or its employees prior to the troops coming here?

26th A. I don't know of it personally.

JAMES. S. DORBY,
Under Sheriff of Crawford County.

Richard Amrine, being first duly sworn, deposeth and saith:

By E. H. LeDuc:

1st Q. What is your age, name, occupations and place of residence, and how long have lived where you now reside?

1st A. Richard Amrine; age, 31 years; hotel keeper, Girard, Crawford county, Kansas; have resided here about twenty months.

2d Q. Did you ever hear any threats of violence towards any of the railroad employees, engineers or railroad company?

2d A. I can't say that I have directly heard any threats made.

3d Q. Do you know anything about the burning of any railroad property in this county, or property to be used in the construction of a railroad?

3d A. Well, I did not see it; but I heard it from the parties who were along with them, and am acquainted with the parties owning a wagon which was burned at the time; a man, living close to where the wagon was burned, told me that he saw the parties a going to, and returning from where the wagon was burned, and he said he seen them when they parted with the engineers, they a going south and the engineers coming toward town.

4th Q. What was the name, and where is the residence of the person who told you he saw the parties a going to and returning from the fire.

4th A. A Mr. Vanphool, he lives about seven miles southeast of here.

4th Q. Did you ever hear one C. Dana Sayrs say, that we have got it fixed so that they will not go on with the work, (meaning the railroad)?

4th A. I heard him say something to that effect; my understanding was then, that they had a law that would secure them

5th Q. Do you know what law he had reference to?

5th A. No, sir; I do not, only that their rights were better than the railroad company's was.

6th Q. Do you know what he meant by "have got it fixed"?

6th A. He supposed that they would stop them working any more until their rights were proven; he also spoke of

their having some man that would forbid them from work on his claim until they proved that they had a better right than he to it.

7th Q. Did any one ever forbid their working on their claim?

7th A. Not that I know of.

8th Q. In this conversation, did you understand that any means of violence would be used to prevent the work on the road?

8th A. There was nothing said as to that; the way I understood it at that time was, the meaning he put to it was, that the man's rejecting them would be sufficient without force.

9th Q. If it did not prove sufficient, did you understand that in any case force would be used?

9th A. There was nothing said.

J. H. Snead records an objection to using the word do you understand.

Q. Did you ever see any one receive money for the property destroyed, as spoken of above?

A. Yes, sir; I saw Colonel Chapman pay one Mr. George for a wagon so burned.

By J. H. Snead:

Q. Who was it that told you about the burning of the wagon?

A. Mr. George, himself.

Q. Did any of the party tell you that they had burned the wagon, and if so, who were they?

A. There was none of the party who had anything to do with the burning of the wagon, told me anything about it.

Q. Do you know anything of the facts above stated, in regard to the burning of the wagon, of your own personal knowledge?

A. No, sir; only what I learned.

RICHARD AMRINE.

D. W. Crouse, who, being first duly sworn according to law, deposeth and saith:

By Amos Sanford:

1st Q. What is your age, name, occupation, and where do you reside, and how long have you so resided?

1st A. My age is 29 years; name, Daniel W. Crouse; Attorney at law, being county attorney of this county; I lived in Crawfordsville nearly three years.

2d Q. How long have you been county attorney?

2d A. Since the first of last January a year ago, January, 1869.

3d Q. How many cases of a criminal nature in the district court have you been called upon to prosecute up to the present time?

3d A. There was only two terms held, and during the second term there was five cases.

4th Q. Has there been any information or indictments filed in the district court against any of the citizens of Crawford county for any violence against the railroad company or its employees during that time?

4th A. No, sir; but there was an attempt about being made to having the matter about burning the wagons, etc., an attempt to bring the matter up, but for some reason it was not done.

5th Q. Was there any complaint made by any person to any justice of the peace of your county, charging any particular person with burning the wagon you refer to?

5th A. To my knowledge, there was not.

6th Q. Have you ever been called upon officially to prosecute any of that class of citizens in your county, called Leaguers, for violations of law, and if so, when, where, and what were the charges against them?

6th A. There was one case of burglary; it happened in the southwestern portion of the county; it was said that they were Leaguers, but I dont know; I have not, with the exception of the case referred to.

7th Q. Did you prosecute the case you referred to, and if so, who were the parties charged with burglary, and what was the result of the prosecution?

7th A. I did; the names of the defendants were Froag, and others, I think there was six or eight, but I can't remember just how many; they made no resistance to the civil authorities; not being sufficiently identified, they were discharged by the justice.

8th Q. Do you know that they were Leaguers?

8th A. From personal knowledge, I do not.

9th Q. Do you know of any case in your county where the sheriff or other officers charged with the execution of the law have been compelled to call out a posse to aid them, or any of them, in the execution of civil process during your term of office?

9th A. No.

10th Q. Do you know of the presence of United States troops in your county, and if so, whether they have ever been called upon to assist the sheriff or other officer to preserve the peace, protect persons and property, or to execute the mandates of the law?

10th A. I do know of the presence of troops; I do not know of the sheriff ever calling upon them to assist in execution of the law.

11th Q. State, if you know, who it was in your county that made application to the Governor of Kansas for troops.

11th A. I don't know, sir, of my own knowledge.

12th Q. Were you ever requested by any person to sign a petition to the Governor asking him to send troops on the Neutral Lands, and if so, who was it?

12th A. No, I don't recollect of it now; in reference to the matter, the sheriff and I were a talking over the matter the day following the burning of the wagon on the railroad.

By J. T. Burris:

13th Q. During your residence in Crawford county, have you been United States marshal, sheriff, under sheriff, constable, or any other ministerial office?

13th A. I have not, sir.

14th Q. Do you know that the ministerial officers of this county have not been resisted, in the service of civil or criminal processes?

14th A. No, sir.

15th Q. What was the attempt made referred to by you, to prosecute persons in this county for burning a wagon, etc., on the railroad?

15th A. I told the sheriff that it was our duty to see that these men were arrested; if we had civil law, it ought to be enforced. At that time this excitement was at its height. The sheriff was of the opinion that it was doubtful if civil law could be enforced by the civil authorities; I told him that it was his duty to enforce a process; he stated that the minds of the people were so excited that he did not think that they would assist him in enforcing a process; I believe that the sheriff was honestly convinced of that fact in his own mind; I told him that he knew the minds of the people better than I, and if he was convinced of that being the fact, we would let the matter rest; my opinion was, at that time, during a short interval of excitement the civil law might have been resisted; but since that time, and prior to it, I think it might have been enforced; I have no doubt but it could have been.

By J. H. Snead:

16th Q. During the time of the excitement you speak of was there any complaint made, or warrant issued for the arrest of any person or persons for the burning of the wagon, etc.?

16th A. There was not, to my knowledge; the parties were not recognized, I inquired who they were, but could not find out who they were; I inquired of different men who belonged to the League, who stated that they were just as anxious to sustain order as any one; my opinion was that it was not done by order of the League, or received the sanction of it.

17th Q. For what length of time did the state of excitement run so high that the civil law could not be enforced?

17th A. I may say that I did not state that it could not

be enforced at any time ; but I did say, that it might not be enforced ; said period of excitement may of continued for days or weeks, I don't recollect how long the exact time was.

18th Q. How long, after the excitement went down, were the troops brought in this county ?

18th A. About a month.

By J. T. Burris :

19th Q. After the burning of the wagons, etc., were not railroad hands driven from their work in Crawford county ?

19th A. Not from my own observation.

20th Q. Were not railroad ties burned in Cherokee county, between the times of the burning of the wagons etc., in Crawford county and the arrival of troops here ?

20th A. Not to my knowledge.

21st Q. Were not the times, when railroad hands were reported to have been driven from the road in Crawford county, and when the ties were reported to have been burned in Cherokee county, between the time when the wagon, &c., was burned in Crawford county and the time when the troops arrived ?

21st A. I answer that in the negative, except that the hands were reported to have been driven off of the road ; I think in Bourbon county, not in Crawford ; yes, there was ties rumored to have been burned at that time.

DAN. W. CROUSE,
County Attorney

Adjourned until one o'clock in the afternoon.

Mr. Crouse re-called at own request to make the following statement :

Where I stated in the foregoing evidence, where it was my opinion that the League did not authorize or sanction such conduct, such opinion was formed and based upon the conversation that I had with members of said League, though I may have formed a different opinion, judging from the acts of members of such League.

By A. Sanford :

22d Q. Did you form any different opinion ?

22d A. At times, I did.

23d Q. At what time, and how many times, did you form such different opinions ?

23d A. I cannot remember how many times, but did form such an opinion during the excitement.

24th Q. What was that different opinion you referred to ?

24th A. My opinion that these outrages were either authorized or sanctioned by the League.

25th Q. On what is that opinion based ?

25th A. On rumor for one part, and seeing men armed, and they telling me so and so.

26th Q. Who did you see armed, and what were they armed with ?

26th A. Armed with revolvers; Mr. John Tieman, Mr. Myers, and quite a number of others, whose names I cannot call just at present.

27th Q. Do you know that either of the parties, you mentioned, are Leaguers ?

27th A. They are all of them said to be; they told me they were; they told me they were armed for self-defense.

28th Q. Have you had any conversation with any person or persons, respecting your testimony before this committee, since the adjournment of the committee before dinner, and if so, who were they and what was the conversation ?

28th A. I had with Mr. Bridgens; I told him that I would explain or qualify my testimony if the committee would allow me to, as regards my opinion expressed above in reference to sanction of the League, etc.

29th Q. Is Mr. Bridgens a Leaguer or an anti-Leaguer ?

29th A. I don't know.

D. W. CROUSE.

Dr. H. D. Moore, who being first duly sworn according to

law. deposeth and saith: My name is H. D. Moore; my age forty-seven; my residence, Monmouth, Crawford county, Kansas; my occupation is that of a physician.

By Mr. A. Sanford:

1st Q. How long have you resided in Crawford county?

1st A. Since the organization of the county on the Neutral Lands, about four years.

2d Q. Have you any knowledge of United States troops being stationed on the Neutral Lands, and if so, how long and what has been their action, and for what purpose have they been used since their arrival here?

2d A. I know that there are United States troops stationed here; they came about the first of July; I have never known them to be in action; all I know of their doing, is hauling rations and attending dances.

3d Q. State whether or not there ever existed any necessity for the aid of the military arm of the government on the Cherokee Neutral Lands, and if so, whether or not that necessity still exists.

3d A. I don't believe there ever existed any necessity for the military arm of the government on the Neutral Lands since I have been here, and no necessity now.

4th Q. Are you acquainted with J. M. Ryan, of your county, and if so, state what office, if any, he has held within the last two years?

4th A. I am acquainted with J. M. Ryan; he has been high sheriff of Crawford county for the last two years, until recently.

5th Q. Did you ever see a certified copy of his certificate to the Governor, and did you, or not, have any conversation with sheriff Ryan with reference thereto, and if so, what was it?

5th A. I saw a certified copy of sheriff Ryan's certificate to the Governor; I had a conversation with him about the certificate; I saw the certificate presented to him; he took it into his hand and read it; he remarked, when he had finished reading it, that he had never made any such a cer-

tificate; I remarked that if he had never made such a certificate, he would have to make another that he never had made such a certificate; he remarked then that he had written a communication to the Governor, but that was not it; he then asked to see the communication again: he took it in his hand and read it a second time; he remarked that it contained a portion of the letter he had written to the Governor; I pointed out the Governor's signature, and told him that that was certified to as a true copy by the Governor; he then went on to acknowledge all but one word, which he said he did not think was in his communication to the Governor.

6th Q. Where was this conversation, and were there any other persons present; and if so, what statement did Ryan make to you, or others in your hearing, with reference to the truth or falsity of the statements contained in his letter or certificate to the Governor above referred to?

6th A. It was in this town; W. W. Armsworthy and Henry T. Cooffman were present; there were some others present a part of the time; I don't remember who they were; he stated in conversation to Mr. Cooffman that there never had been any writ placed in his hands but what he could serve, etc.; never had been resisted in serving a writ; Cooffman asked him why he had written to the Governor to send troops here; he remarked that there was one that could not be served; Cooffman asked him what writ it was; he remarked that it was for some soldiers who had been cutting up here in town; I believe that that is about all the conversation I heard at that time.

7th Q. Do you know whether or not the commander of the troops has been taking any part in the controversy as to the title of the land, either personally or by writing, through the paper, and if so, what is the commander's name?

7th A. I don't know personally whether the commander of the troops took any part in the controversy or not; I saw a letter published in two or three different papers, requesting Governor Harvey to come on to the Neutral Lands and spend a few days among the settlers, and explain to them that they had no title to the land; this letter purported to have been written by General Hazen to Governor Harvey.

By J. T. Burris :

8th Q. Was General Hazen at any time in the immediate command of the troops operating on the Neutral Lands, or was he a commander of a district embracing additional territory and other forces?

8th A. I don't know the extent of General Hazen's command.

9th Q. Do you know whether General Hazen ever wrote the letter concerning which you have testified?

9th A. I do not.

10th Q. Do you know at what time J. A. J. Chapman, and other engineers and employees of the railroad company, were driven from the line of the road in this county?

10th A. I believe about the last of April.

11th Q. Do you know who the parties were who drove Chapman, and his corps of engineers, from the line of the road?

11th A. I do not.

12th Q. Do you know of laborers on the road being driven off?

12th A. I don't know.

13th Q. Do you know of railroad ties being burned near the line of the road, in Crawford or Cherokee counties?

13th A. I do not.

14th Q. Do you know whether the driving away of that corps of engineers or laborers on the road, was done with the sanction or approval of any portions of the citizens of Crawford county?

14th A. I know that there was a good many sanctioned it after it was done.

15th Q. Do you know whether it was arranged beforehand, by any of the citizens of Crawford or Cherokee counties, to drive away those engineers or laborers?

15th A. I do not.

16th Q. Do you know whether the burning of ties in Cherokee county, was sanctioned or approved by any portion of the people of either of those counties?

16th A. I do not.

17th Q. How do you conclude, when engineers were driven off by force, and laborers forcibly driven from their work, and railroad ties burned, that there was no necessity for military aid?

17th A. This is a time of peace, civil government fully organized, and it is my opinion that civil authorities should have tried to quell these disturbances, and if they had failed, then it would have been time enough to have called on the military authorities.

18th Q. Have not you, together with other citizens of Crawford county, resolved to oppose the building of this road?

18th A. I have.

19th Q. Have you not, together with other citizens of Crawford county, resolved against any person who might attempt to prove up and purchase his claim from Mr. Joy?

19th A. I have not.

20th Q. Do you not know that immediately prior to the arrival of troops it was unsafe for any man known to be a railroad man to pass through these lands?

20th A. I do not.

21st Q. Do you not know that at a public meeting in this county, Senator Voss, of Fort Scott, was assaulted and driven away?

21st A. I do not.

22d Q. Do you not know that a party of armed men from Crawford and Cherokee counties, proceeded to Baxter Springs to intimidate those connected with the land department?

22d A. I do not.

23d Q. Was the March upon Baxter Springs, reported to have been made, sanctioned or approved by any portion of the people of Crawford county?

23d A. It was approved by some of them after it was done.

24 Q. Was the march on Baxter Springs arranged for in advance by any portion of the people of Crawford or Cherokee counties?

24th A. I do not know.

25th Q. Did you not, yourself, go to Baxter Springs as captain of a company?

25th A. I did not.

26th Q. Did you, in any other capacity, go with the command which moved on Baxter Springs?

26th A. I did not.

27th Q. Do you know of any of the parties who did go in that command?

27th A. Only from hearsay.

28th Q. Did you see any of the members of that command start for Baxter Springs?

28th A. I saw some men start in that direction, about the time the raid was made.

29th Q. From what particular point did you see these men start?

29th A. From Monmouth.

30th Q. About how many men did you see start?

30th A. About seven.

31st Q. Were those men armed?

31st A. The most of them were; some were not.

32d Q. Do you not know that prior to the arrival of troops here, the organization known as Land Leaguers had a military organization, with officers bearing military designations, and kept a patrol of armed men?

32d A. I know that the men in the country had an organization modeled after the military style; I don't know that they kept out any armed patrols.

33d Q. Who was in command of that military organization?

33d A. I believe Colonel Vincent was in command at that time.

34th Q. Who was the lieutenant colonel, and who major of the command?

34th A. I do not know.

35th Q. Who are the principal officers now—the colonel, lieutenant colonel and major?

35th A. There are several colonels now, as well as lieutenant colonels and majors; H. D. Moore is the commander-in-chief; Colonel Vincent, Colonel Langdon, Colonel Cooffman, are all I remember of now; Major Barton, Major Wormsley, and more of them, whose names I cannot call now.

36th Q. Did not you yourself aid in arranging for the Baxter Springs expedition before referred to, and did you not start with the command and leave the command before it reached its destination?

36th A. I did not aid in arranging, neither did I start with the command.

By J. H. Snead:

37th Q. Do you know, of your own personal knowledge, this man Chapman and his engineers, as above stated, were ever driven off the road?

37th A. I do not, only from hearsay.

38th Q. Has the command, as above referred to, of the citizens of Crawford county, had for their purpose and design to prevent the building of the railroad by any unlawful means?

[Objected to by J. T. Burris; objection overruled by committee.]

38th A. The organization referred to, never was designed to prevent the building of the railroad at all; neither lawfully or unlawfully.

39th Q. Do you know, of your own personal knowledge, within the last two years, of any ministerial officer in the county of Crawford, being resisted in the execution of law, by any of the citizens of said county?

39th A. I do not.

40th Q. Have you been so situated that if such had been the fact you would have known it?

40th A. I have had good opportunities, as I have been over the county considerable.

By Amos Sanford:

41st Q. Are the members of the organization you speak of, armed more than other citizens of the county?

41th A. They are not, so far as I know.

42d Q. What is the name of the organization to which you referred to?

42 A. The Neutral Land Home Protecting Corps.

43d Q. Is there any such organization on the Neutral Lands as the Land League?

43d A. There is no such organization.

By J. T. Burris:

44th Q. Was there ever such an organization on the Neutral Lands as the Land Leaguers, or Anti-Joy Leaguers?

44th A. There was such an organization as the Land League; that was a public organization.

45th Q. What was the object, purpose, or design of the expedition to Baxter Springs?

45th A. I dont know what the design was.

By John R. Wright:

46th Q. About how many men belong to the organization of which you are the commander?

46th A. I could make out a statistical report; but there are between fifteen hundred and two thousand.

H. D. MOORE.

Joseph Sheffield, who, being first duly sworn according to law, deposeth and saith:

My name is Joseph Sheffield; my age is 53 years; residence is in Crawford county, town of Lincoln, State of Kansas; my occupation is that of a farmer; I have resided in this county over three years.

By J. T. Burris:

1st Q. Do you know of any acts of violence perpetrated by any portion of the people of Crawford or Cherokee counties against the railroad company or its employees, before the arrival of troops in those counties?

1st A. I do not, of my own knowledge.

2d Q. Do you know of any threats having been made by any portion of the people of those counties against the railroad company or any of its employees?

2d A. I do know of threats being made at their League meetings; they resolved to punish any man who would attempt to prove up on his claim before Joy or his agents, or in any way favored Joy.

3d Q. What kind of punishment have you heard them threaten to inflict?

3d A. To hang them as high as Haman, without the benefit of clergy.

4th Q. How often have you heard such threats made by the Leaguers?

4th A. Some two or three times.

5th Q. How largely were those meetings attended?

5th A. There would be a large number—a house full—perhaps a hundred.

6th Q. Were the resolutions passed by these meetings unanimously, or by a bare majority?

6th A. Pretty much all voted for it; they took no other vote.

By J. H. Snead:

7th Q. Are you a member of the League?

7th A. They had my name; they wrote it themselves; I withdrew from it.

8th Q. How long was you a member of the League?

8th A. About three or four months from the time they put my name down.

9th Q. Did you join the League with your own consent?

9th A. They wanted to put my name down; I told the president, Armsworthy, that he could.

10th Q. Were the members sworn who joined the League?

10th A. Well, not at that time, that I know of.

11th Q. Were they at any time afterward?

11th A. I never saw anybody swear them.

12th Q. Were the meetings held in public?

12th A. Yes, when I was among them.

13th Q. Did you vote on those resolutions above stated?

13th A. No, sir.

14th Q. Did any one else refuse to vote?

14th A. I don't know of any.

15th Q. Do you know of any of the settlers proving up their claims with Joy or his agents?

15th A. I do.

16th Q. Who were they?

16th A. Mrs. H. S. Jackson, proved up; a man by the name of Shed, proved up; Ingersoll, and also a good many whom I cannot recollect.

17th Q. Do you know of any attempt being made by any of the members of the League, to hang any of those parties who had proven up?

17th A. I know of their mobbing; but don't know of their hanging any one.

18th Q. Who have they mobbed?

18th A. They mobbed me.

19th Q. Have you proved up?

19th A. No, but I hauled the lady spoken of before to prove up.

20th Q. Who were the parties that mobbed you?

20th A. I knew some of them, and some I did not; I thought that Moulton, a constable, was one of them; a justice of the peace, William Armsworthy, as it was at his house; there was a criminal prosecution pending against me in the Indian Territory; Mr. Armsworthy sent Moulton, the constable, after me and took me to his house on the night of the meeting of the League, when the house was surrounded; I was taken out by a party of men, (the justice of the peace, Armsworthy, opening the door,) and taken off to another house, owned by him, where I was stripped, tarred and feathered, and robbed of about \$210.

21st Q. Were you a member of the League at the time?

21st A. I did not go among them at that time.

22d Q. Did you take any steps to have those parties arrested?

22d A. I have not, yet.

23d Q. At that time were you an employee of the railroad?

23d A. Not at that time.

By J. T. Burris :

24th Q. Do you know of any other acts of violence being perpetrated upon yourself or any other parties, on account of your opposition to the League movement, or because you favored the railroad?

24th A. I do. In about one month from the time that I was mobbed I went away from home, a lot of these Leaguers turned out and came down near my home, they then chose a committee to come to the house to notify me to leave the country next morning or they should come down at nine o'clock and drive me away; I came home and learnt of them being there; I then sent my son after sheriff Ryan, also Squire Brown, and a man by the name of Moore, to assist me; they came there, the three men, next morning; this mob also came there; a large lot of men, I don't know how many, forty or fifty, I should judge; Mr. Brown and Moore came there a little before the sheriff; they, the mob, sent out some men to tell the sheriff not to come to the house; the sheriff did not come into the yard; they then went to voting such resolutions as they meant to put in force. The resolutions were that I should leave with my wife and little daughter, about twelve years old, and not stop under fifty miles; I hesitated some little about leaving; the present sheriff of this county told me that it was all that would save my neck; but I thought that I should not go, but my son thought that they would destroy all of his property, and mine, too, if I did not go, so I concluded I would go. They then said, if I would leave, and my wife, quietly, that the son might stay six months and take care of the crops, we had some of them in, not all, then he must leave, also. We then went to gathering up some of our goods; they just run and drew up my wagon to load them, they put some in the wagon; I think they went to the stable and harnessed my team; they said they were bound not to leave until we left; so we went to Fort Scott.

They guarded us down to Arcadia, where there is a liquor shop. They abused me as we went; they then pitched at this man Moore for taking my part; they followed Mr. Moore toward his home. Mrs. Jackson's house was burned, before they mobbed me, by the Leaguers; we know a great many of them; Wm. Armsworthy, a justice of the peace, A. J. Moulton, a constable, was there, and also two of the Strawns, a brother-in-law of them named Walter Cunningham, Thos. Moulton, the constable's brother, and some other young men about the neighborhood; also Chester Ingersoll; John F. Davis, Daniel Doris, James Weaver and two young men by the name of Shed; there were about forty we thought. They first tore down Mr. Jackson's house, and hit him with a club; I knew they hit him with a club, because he came to my house and I saw the mark on his head; went and found the club, and it had hair on it; we laid up the club and have it yet, and calculate to use it some way or other.

25th Q. At what time were you and your family driven from your home by the mob of which you have spoken? -

25th A. Some time in April, 1869,

26th Q. When did you return back to your place?

26th A. In about three or four weeks after I went away.

By J. H. Snead:

27th Q. Have you been disturbed by the citizens on the Neutral Lands since you returned?

27th A. Nothing more than threatened.

28th Q. Who threatened you?

28th A. This constable Moulton, who I spoke of; he came across me, and the first thing he said was, you have got back again; he said he admired my spunk, but did not think much of my judgment; he said I must be off again; I told him he must not come on to my place again unless he had papers to serve.

29th Q. What was the disturbance between Jackson and the Land Leaguers?

29th A. They were mad about the claim.

30th Q. Is Jackson's wife your daughter?

30th A. No, sir, he is my brother-in-law.

31st Q. How long had Jackson been on this claim at the time of the disturbance, and did any one else claim to own it?

32d A. These Strawns said they had bought the claim; Mr. Jackson had just got into the house when they tore it down.

33d Q. Had Strawn done anything on the claim?

33d A. No, sir, I don't think he had.

34th Q. Had any one put any improvements on it?

34th A. Yes, there were some improvements on it; the improvements were put on by a man by the name of Mesker and Hiram Stuffobein.

35th Q. Did your son, or any one else, buy the improvements?

Mrs. Jackson bought the improvements of Mesker, and Mesker of Stuffobein.

Does Mrs. Jackson do the business for Mr. Jackson?

35th A. She paid it out of her own money or property.

36th Q. Who lives on that claim now?

36th A. Nobody; Mrs. Jackson has contracted for it; she would live on it if the Leaguers were not so bad.

37th Q. How long did she live on the claim before she proved up on it?

37th A. She did not live on it, her husband went over on it and they drove him off, and that is the time they hit him with the club.

38th Q. Do you know whether the troops were sent here to protect the citizens or the railroad company and its employees?

[Objected to by J. T. Burris and E. H. Le Duc.]

38th A. I think they were sent to protect the citizens.

39th Q. What makes you think it?

39th A. Because there was a petition sent to the Governor, from the citizens.

40th Q. Do you recognize any one in this room, who was in the League, when the resolutions were passed in favor of hanging every settler, who proved up his claim, higher than Haman, without the benefit of clergy?

40th A. I don't know as I do.

41st Q. Did any of the citizens living in the town vote on the resolutions?

41st A. I don't know that I see any here who were at the League meeting.

By Mr. Sanford:

42d Q. About how many men, at the May term of the district court, 1869, swore on the witness stand, that they would not believe you under oath?

42d A. Well, there were some eight or ten of them; Leaguers, every one Leaguers.

JOSEPH SHEFFIELD.

W. Rose, who being first duly sworn according to law, deposeth and saith:

My name is W. Rose; my age is thirty-seven years; my residence is Fort Scott, Kansas; my occupation is that of a railroad employee.

By J. T. Burris:

1st Q. Do you know of any acts of violence, perpetrated by any of the citizens of Crawford and Cherokee counties, against the railroad company, or any of its employees or contractors, prior to the arrival of the troops in these counties?

1st A. I do know of a number of ties being burned in Cherokee county, near Baxter Springs, between the first and fifteenth of May, 1869.

2d Q. Did you ever hear any threats made by any of the citizens of Crawford and Cherokee counties, against the railroad company, its employees, or property?

2d A. I did hear one man named Smith, he lives about fifteen miles north of Baxter Springs, at Wirtonia, say that we have cleaned out the surveyors, and if they ever came back again, we will hang the first one we find, and if Mr. Joy interferes or persists to hold this land, we will assassinate him, if we have to go to Detroit, if I have to go there my-

self, it shall be done ; I then took the man out to the end of the house ; I asked if he did not think that a man could come down and do a contract on that road, and not be molested if he minds his own business ; he said no ; the first man that comes down to work on the road, would be killed, for they had a League, two thousand strong.

3d Q. Have you at any time heard any other threats of violence made by the citizens of the Cherokee Neutral Lands against the railroad company, its engineers, contractors, laborers, or other employees, if so, when, where, and by whom ?

3d A. I have, but cannot name any one but Mr. Sanford ; on the night before the fall election of '69, Mr. Sanford was getting off a pretty heavy speech at Columbus, in the hotel ; he said before the railroad should cross his claim, he would fight there until he would die on it.

5th Q. Did you ever hear Mr. Smith, or any other man, on the Neutral Lands, threaten to take to the bush or brush in any event ?

5th A. Yes, sir, the same Smith, before mentioned, said if there were troops sent here to protect Joy in his land against citizens, he would take the brush and fight them.

By Amos Sanford :

6th Q. Did you ever hear any of the railroad men or citizens of Fort Scott threaten to come down on the Neutral Land and drive the settlers from their homes, if the settlers did not stop opposing Mr. Joy.

[J. T. Burris objects ; objection overruled by committee.]

6th A. No, sir.

7th Q. What Sanford do you refer to when you say Mr. Sanford ?

7th A. Chairman of this committee.

8th Q. Do you give the exact words used at the time ?

8th A. I think I do, but not all the words used at that time.

9th Q. Were there no conditions mentioned other than those heretofore mentioned ?

9th A. I did not hear any other conditions put in.

10th Q. Who else was present at the the time and place referred to ?

10th A. Mr. Laughlin, and others, whom I cannot name.

11th Q. Are you an employee of the railroad company ?

11th A. No, sir.

13th Q. Do you, or not, know that the railroad hands and liquor sellers, of Columbus, or a portion of them, threatened to clean Sanford out, and notify him to leave the county, and also to tear down and destroy the Workingman's Journal office ?

13th A. No, sir.

14th Q. Did you ever threaten to tear down the office ?

14th A. I never did ; it was a good place to go and get a newspaper to read.

15th Q. At whose instance or request did you come from Fort Scott to Girard to testify before this committee ?

15th A. I did not come from Fort Scott to testify before this committee ; I was here before on the line of the road, attending to my business, before the committee came.

16th Q. Were you summoned to appear before this committee, and if not, at whose request or suggestion did you appear ?

16th A. I was not summoned ; Mr. Snead, and I think, Mr. Wright and Dr. Le Duc, mentioned that they would take my evidence, if I was here.

By J. H. Snead :

17th Q. Do you know, of your own personal knowledge, who burned the ties that you have just spoken of, in the timber ?

17th A. I do not.

18th Q. Do you know that the citizens of the Neutral Lands have ever perpetrated or committed any outrage upon the railroad company or its employees, and if so, when, where, and by whom ?

18th A. I have reason to believe I do, as I had orders from D. L. Wells & Co. to try and find out how many tools,

tents and blankets had been burnt, belonging to sub-contractors, by the citizens of Crawford county, and settle with the sub-contractors for them; I made a great many inquiries, and satisfied myself as near as possible, and then ordered them paid for.

19th Q. How did you satisfy yourself that the citizens of the Neutral Lands burned these articles you mentioned?

19th A. By inquiring from laborers and contractors, and they pointing out where different men lived that helped burn them; the only names I can give you who were pointed out to me are a Mr. Jones and sons.

20th Q. Do you know anything of the facts, except what has been told you?

20th A. No, sir.

21st Q. Why did you not have this Mr. Jones and sons arrested?

21st A. Wells & Co., do not employ me to commence law suits.

22d Q. Was it not your duty, as a good citizen, to make a complaint, your knowing the facts?

22d A. I think it was.

23d Q. Have you, as an employee on the road, or any of your men, been disturbed or interfered with by any of the citizens on the Neutral Lands, and if so, by whom and when?

23d A. Not since the fifteenth of September, 1869, to my knowledge.

24th Q. Have you ever been interfered with, you or your men on this road?

24th A. No.

25th Q. Do you know of any of the citizens on the Neutral Lands, at any time, resisting any ministerial officer in the discharge of his duty?

25th A. No, sir.

26th Q. How long have you been engaged as a railroad contractor or builder?

26th A. Seven years.

27th Q. Are you a settler on the Neutral Lands?

27th A. No, sir; nor have no claim of any land.

28th Q. Have you any sympathy with the people on the Neutral Lands, known as the Neutral Land Home Protecting Corps?

28th A. If there is such a corps I sympathize with them.

29th Q. Why do you sympathize with them?

29th A. I did not know that it had got so desperate on the Neutral Lands that the people were required to form such a corps.

30th Q. Have you no other reason than that given for your sympathy.

30th A. I have no other reason.

31st Q. Do you know about how many men are employed in building and grading this road, if so, how many, since last June on an average?

31st A. About two hundred and fifty on an average.

32d Q. Were all, or any, of these men armed, if so, how many?

32d A. They were not all armed, I don't think I ever saw but one laborer armed and he was drunk.

W. ROSE.

James Hull, who being first duly sworn according to law, deposeth and saith :

My name is James Hull; my age is 45 years; my residence is Girard, Kansas; my occupation is house builder.

1st Q. How long have you resided in Girard?

1st A. About fifteen months.

2d Q. Do you know of any violence being used by any portion of the people of this county against the railroad company, its engineers, laborers, contractors, or other employees, prior to the arrival of troops here?

2d A. No.

3d Q. Do you know of any threats of violence being made by any of the citizens of Crawford county, against the railroad company, its contractors, engineers, laborers, or other employees, prior to the arrival of troops here?

3d A. I don't know that I remember anything now, that would be strictly termed a threat of violence.

[Mr. Sanford objects to this kind of evidence, and any further testimony referring to the railroad, because it is diverting the attention of the Committee from the legitimate objects of the resolution raising the Committee, a useless waste of time and leads to a never ending investigation. He makes these objections to apply to all future investigations of this kind not contemplated in the resolutions.]

It is the opinion of the following members of this Committee, that such questions are legitimate and proper, J. R. Wright, E. H. LeDuc, J. T. Burris and J. H. Snead.]

3d A. Declarations, looking towards violence, have been principally in the shape of resolutions and public speeches. I was present in the early part of last spring at a League meeting, held in this town, in which resolutions were presented and adopted, that the resolvers would not permit James F. Joy to build a railroad through these lands until he agreed to let the settlers have the lands at one dollar and twenty-five cents per acre. At another League meeting, held a week or two later, resolutions were adopted, that they would not permit James F. Joy to build a railroad through here unless he surrendered all claim to these lands.

4th Q. Do you know about how many members there were attending the first meeting of the Leaguers already referred to?

4th A. I think from fifty to seventy-five at each meeting.

5th Q. Were those resolutions to which you have referred passed unanimously, or by a bare majority?

5th A. All who voted voted in the affirmative—none in the negative; some did not vote at all.

6th Q. Have you in your possession, or can you procure for the Committee, copies of those resolutions?

6th A. I have not in my possession, and suppose I could not procure them.

7th Q. Did those resolutions, or either of them, or the speeches made in favor of the adoption of them, or either of them, indicate the means by which Mr. Joy or the railroad

company would be prevented from the building of the railroad until the wishes of the members of those meetings should be complied with?

7th A. Some of the speeches—I don't know but all—stated that the use of physical force to prevent, would not be unlawful.

8th Q. Have you ever attended, in Crawford or Cherokee counties, any other public meetings in which this railroad question was considered or discussed?

8th A. Yes; I attended one which I now recollect of, which was most prominent, soon after Mr. Laughlin's return from Washington, some time last spring, which Mr. Laughlin and others addressed.

9th Q. Who besides Mr. Laughlin addressed that meeting?

9th A. Mr. Markham and three or four others, including Mr. Parker of this place; I will not be certain about Mr. Parker addressing the meeting, but Mr. Vincent did.

10th Q. How largely was that meeting attended?

10th A. I judge from one hundred and fifty to two hundred.

11th Q. Were there any resolutions passed by that meeting?

11th A. Yes.

12th Q. Have you a copy of those resolutions, or could you procure a copy for the use of this Committee?

12th A. No, I have not them, nor no means of procuring them.

13th Q. State what was the substance of those resolutions, and of the speeches made in favor of their adoption.

13th A. The resolutions I quite disremember, but they were not quite so pointed as the ones that I have already referred to. The speech of Mr. Laughlin was mostly argumentative, giving a history of the Neutral Lands, and supreme court decisions relating to Indian lands, treaties, etc., near the close alluding to what course the people should pursue here; I thought he not openly, but covertly, advised them to prevent by force building the road; in conversation

with Mr. Laughlin, immediately after, he asked my opinion of the speech; I spoke favorably of the first part of it, but said if I did not mistake his meaning, he intended to be understood by them that violence should be used to prevent the road from being built; he replied that was what he did intend.

14th Q. Do you know whether Mr. Laughlin is now the paid agent and representative at Washington City, District of Columbia, of the Land Leaguers on the Cherokee Neutral Lands?

14th A. Only by common report.

15th Q. Had you ever attended any other public meetings on the Cherokee Neutral Lands besides the three of which you have already spoken?

15th A. Yes; we railroad men called a meeting last summer, but the anti-railroaders turned out in force and organized the meeting and run it; it was in June or July.

16th Q. Who were the officers of that meeting?

16th A. I don't recollect; Mr. Langdon called the meeting to order, and nominated the chairman, Mr. Keys.

17th Q. Were there any resolutions passed by that meeting?

17th A. Yes.

18th Q. Have you a copy of those resolutions, or can you procure a copy for the use of the Committee?

18th A. I have no copy, and suppose I could not procure that.

19th Q. What was the substance of the resolutions passed at that meeting, and of the speeches made in favor of the adoption of the resolutions?

19th A. The resolutions were anti-railroad; some of the speeches characterized the railroad, or the favors to railroads, as being a sugar covering to the pill to the Joy purchase; that it meant one and the same thing, and advised the people not to allow the road to be built.

20th Q. Was that meeting held before or after the arrival of troops on the Neutral Lands?

20th A. Before.

21st Q. Who were the speakers who addressed that meeting?

21st A. I think Mr. Parker, of our town, was one, and I think Mr. Keys, the chairman of that meeting, was another.

22d Q. Did you attend any meetings on the Cherokee Neutral Lands, in the spring or summer of 1869, which were addressed by the Hons. Sidney Clarke, George H. Hoyt and John Speer?

22d A. Only the Jacksonville meeting.

23d Q. How largely was that meeting attended?

23d A. It was a large meeting; probably a thousand and perhaps more.

24th Q. Who were the officers of that meeting?

24th A. The chairman was C. C. McDonnell, and a long list of vice presidents and secretaries; Mr. Sayrs was one of them.

25th Q. At what time was that meeting held?

25th A. I think that it was in August.

26th Q. Was that meeting held before or after the arrival of troops on the Neutral Lands?

26th A. After.

27th Q. Who were the speakers who addressed that meeting?

27th A. Mr. Clarke and Mr. Speer, and a judge or doctor from the Neosho Valley.

28th Q. Were there any resolutions passed by that meeting?

28th A. I think there was none the day I was there; it lasted two days.

29th Q. What was the advice given by the speakers at that meeting, to the settlers on the Neutral Lands?

29th A. I don't know that there was any given?

30th Q. Did you at any time during the spring or summer of 1869 attend any other public meeting on the Cherokee Neutral Lands, than those of which you have already spoken?

30th A. We had one or two railroad meetings; the same day that we were ousted we had a small meeting.

By Mr. Sanford.

31st Q. State whether or not you are the agent of Mr. Joy or the railroad company for the sale of lots in the town of Girard.

31st A. Yes.

32d Q. Do you know of any resistance to the execution of the civil law, or any obstructions to the courts of justice ever having been offered by the citizens of this county or any portion thereof?

32d A. I have seen none.

33d Q. Has there ever been any necessity for troops to aid the civil officers in the execution of the law in this county, and if so, whether or not that necessity still exists?

33d A. I think there has been a necessity for them heretofore; as to it still existing, I am in doubt about it, I have seen nothing in the past four or five months that would look like any necessity for them; I will say, further, that the balance of my opinion is that if the troops were removed that there would be no violence but what the civil authorities could suppress.

34th Q. What office do you hold in the town of Girard?

34th A. I am chairman of the board of trustees.

35th Q. What is the sentiment of the people of Girard upon the land question; are they Joy or anti-Joy?

35th A. I should say about three-fourths were Joy men.

36th Q. Did you ever sign a petition to the Governor asking for troops, and if so, state who circulated that petition, and about how many signers were obtained, and where the signers, or a majority of them, reside?

36th A. I signed the petition; it was circulated by Mr. Annible, of the land department, at Fort Scott; a majority of the signers lived in this place, and vicinity, numbering some fifteen or eighteen.

37th Q. Was there any inducement held out by Mr. Annible to you or any of the citizens of Girard to obtain signatures to the petition, and if so, what was it?

37th A. Not to me; nor others, that I know of.

38th Q. Why did Mr. Annible circulate the petition, and what reason did he give for so doing ?

[Objections being made by Colonel Burris, it was over-ruled.]

38th A. I, of course, don't know what caused him to do it ; I think he stated that Governor Harvey wished to know the condition of things, and wished to know it from citizens, and wished to know from the citizens here whether the condition of things were such as to require the assistance of troops.

39th Q. Did you ever tell any person that the railroad company had the advantage of the people of Girard, and if the citizens refused to sign a petition the company would not run the road through the town, or words to that effect ?

[Objected to by Colonel Burris ; objection over-ruled.]

39th A. I never stated such a thing as a fact, I might, as an opinion.

40th Q. Do you know who it was that procured from sheriff Ryan a certificate or application to the Governor for troops ?

40th A. No ; I don't know.

41st Q. Did you have any conversation with Annible and sheriff Ryan, or either of them, in regard to it ; and, if so, what was said by either, or both of them ?

41st A. I think I never had any with Mr. Annible on the subject, to the best of my recollection ; I have with sheriff Ryan ; he stated that he had signed an application for troops.

42d Q. At whose instance or request ?

42d A. My impression is that it was Mr. Annible's.

43d Q. State whether or not Mr. Annible is employed in what is known as Joy's Land Office.

43d A. He is.

By J. H. Snead :

44th Q. At the public meetings that you have referred to before in your testimony, were the people advised, at any or all of them, to resist the civil authorities in the enforcement of the civil laws ?

44th A. The subject was never alluded to.

JAMES HULL.

James F. St. Clair, who, being first duly sworn according to law, deposeth and saith:

My name is James F. St. Clair; my residence is Girard, Kansas; my age, 37 years; my residence has been in this county about two and a half years; my occupation is a blacksmith.

By J. T. Burris:

1st Q. Do you know of any acts of violence having been perpetrated by any portion of the people on the Cherokee Neutral Lands against the railroad company, its employees or friends?

1st A. I have no personal knowledge of the fact.

2d Q. Were you ever a member of an organization in this county which is usually called the Land League?

2d A. I enrolled my name with others in a township organization about the time that the organization was first formed, which was in 1868, at Crawfordsville, in this county.

3d Q. How long did you continue to be a member of that organization?

3d A. But a short time—till a meeting was called for the formation of a county league, during the proceedings of which I withdrew my name from the roll; I withdrew for the reason that the character of certain speeches which were made and resolutions offered, some of which were adopted, indicating, if not declaring positively, that force or violence would be used in the event that Mr. Joy should obtain a title to this land, provided other measures were not effective.

4th Q. Do you know of any other threats having been made by any portion of the people on the Neutral Lands, against the railroad company, its contractors, employees or friends?

4th A. I do; I heard Mr. Clark, of Lincoln township, who was sent as a delegate to Topeka to bring suit in the supreme court for the settlers—I heard him say, but a few days before he started to Topeka, that before Friday night, a force of three hundred of the League would lay Girard in ashes and demolish Crawfordsville, for the reason that Girard had taken grounds in favor of the railroad, and Crawfords-

ville, for the reason that W. W. Jones, president of the county league, and Colonel T. Daniels, secretary of the executive committee, have used their influence against the passage or adoption by the County League, of certain resolutions which had been adopted by the Lincoln township league, called as he said himself, the hanging resolutions, and that Jones and Daniels were in danger of being "cleaned out," and all others who opposed the League.

5th Q. When were these threats made?

5th A. During the fall or winter of 1868.

6th Q. Have you ever heard any other threats made by any portion of the people on the Neutral Lands, and if so, when, where, by whom and how often?

6th A. During the winter of 1868 two men came to Crawfordsville, who said that they were from or near Monmouth, and that morning a party of men had returned from Baxter Springs, that, "we went down the night before and demolished the land office of Mr. Joy, and that the thing will not stop there, but we intend to drive out or hang all those who oppose the League, and some of you fellows up here at Crawfordsville, are in danger; we know three or four of you who ought to be hanged with one of those whiplashes," pointing to one in the store; I heard Mr. Keys, who was at the time, or afterwards, engaged in the organization of what is known as the Secret League, say that he was not in the mob which occurred on the railroad, but he, with a great many others, would be in the next one that occurred; I am positive of this, for I wrote it down in a day-book at the time; this was in the early part of last spring; Mr. Corgill, presented resolutions in the streets of Crawfordsville to a meeting there assembled, in substance as follows: that men would not be allowed to talk in favor of Mr. Joy's possession of these lands; that their voice would be hushed at all hazards; there were but four what were called Joy men, the resolutions were not adopted, although one-third voted for them; threats of that character were common.

7th Q. Did you attend any of the meetings held on the Neutral Lands in 1869, which were addressed by Hon. Sidney Clarke, George H. Hoyt, and John Speer?

7th A. I did not.

By A. Sanford:

8th Q. Where do you carry on your trade?

8th A. I am not carrying it on now.

9th Q. What business are you engaged in at the present?

9th A. Keeping a boarding house.

10th Q. Are you now or have you been a minister of the gospel?

10 A. About such a one as there is on the Neutral Lands.

[Mr. Sandford asked for a more definite answer. The witness refused to give it, for the reason that he did not consider this Committee had a right to inquire into his private character. Mr. Snead enters his objections to taking a part of the explanation of his answer and not all the explanations.]

11th Q. Have you been acting as an attorney and counselor at law since your residence in this county?

11th A. I have not. I argued one case before the district court in this county.

12th Q. Have you not at different times appeared as counsel and argued cases before a justice's court?

12th A. Not more than once; I recollect now of having once appeared before the justice as such.

13th Q. Do you know of any resistance of the execution of the civil law in this county?

13th A. I do not.

14th Q. Was there any necessity of the sending of troops upon the Neutral Lands to aid the civil officers in the execution or service of process?

14th A. I think there was.

[Mr. Sanford insists on the witness answering yes or no, or I don't know, or in some other definite form responsive to the interrogations. The Committee refused to make the witness answer in a more definite form.]

15th Q. Why do you think so?

15th A. I think so, from the first place, that men were intimidated from making complaint against the guilty party by threats.

16th Q. Who was intimidated, and who made the threats

you refer to? What were the threats, and when and where did it occur?

16th A. I have heard a number of men in our vicinity, say that in consequence of a hostile feeling and demonstration of the League, they would be afraid to make complaint against any Leaguer. I heard three or four men from Lincoln township, whose names I do not remember, if I knew them at the time, agree and say, that a man had better be in hell than to complain against any of them, meaning their party. This was in Crawfordsville. I heard Mr. Craig say that any person who would make a complaint against those men who destroyed the railroad property, would be in danger, it being the purpose of the League to which he belonged to protect each other in their operations against Mr. Joy; I have heard a number of others make similar remarks during the years of 1868, and 1869; I do not recollect the time or places.

17th Q. Can you not answer the last question more definitely?

17th A. I don't know that I can.

18th Q. Are you a justice of the peace, and if so, in what township, and where do you hold your office?

18th A. I am; Crawford township; have held my office since I have been in Girard part of the time with Mr. Fletcher and Parker, and in this room until they commenced repairing room; with Mr. Parker, the county clerk.

19th Q. Is there, at this time, or has there been, since you have been a justice of the peace, to your knowledge, any person within the county who is, or was, prevented by threats and intimidation from making complaint before you against any other person or persons?

19th A. In regard to that I only know what I have stated before; at this time I don't know of any person prevented by intimidation nor do I believe there is; I don't know as there has been any intimidations from bringing cases before me.

20th Q. Do you know any citizen of the county who has heretofore been prevented by threats or intimidations from making complaint before you or any other justice of the peace of the county, and if so, who was it?

20th A. I only know what they have said.

[Sanford insists on a direct answer to the question; the Committee refuse to compel the witness to answer the question, yes or no.]

22d Q. Who was it said that he was prevented from making a complaint before any justice of the peace, by threats or intimidation?

22d A. I never heard any person say so.

23d Q. State whether or not you are what is known here as a Joy man.

23d A. They call me a Joy man, but I am not.

24th Q. Are you a settler's man?

24th A. I don't belong to any of them, that I know of.

25th Q. Haven't you taken an active part in support of the railroad party, and against the settlers of this county?

25th A. No, sir, I never have; I have never been against the settlers of this county.

26th Q. Haven't you threatened publicly, in the town of Crawfordsville, that you would rip the guts out of some of the Leaguers?

26th A. I never threatened it; I have said at various times, when I have heard reports of threatened violence against me, that if any of them undertook to hang me, as was threatened as I understood, that I could and would cut the guts out of any man before he got a rope around my neck.

27th Q. Who did you understand had threatened to put a rope around your neck?

27th A. I understood that Squire Corson, of Sheridan township, said that if I did not keep quiet, the Leaguers would hang me; I was informed by Robert Stalker, a Methodist minister of Corson's neighborhood, that they would hang or drive me off, and that others in Crawfordsville were in the same danger.

28th Q. Were you not informed, in the town of Crawfordsville, by members of the League, that your information in regard to these threats was false, and had no foundation in fact?

28th A. No, sir; not in regard to that time, nor coming from that source; League men from Lincoln township did inform me at one time that I was in no danger from the Leaguers of that township; I also received the same information from Judge Barton, of Sherman township, that I was in danger from other quarters of the county.

29th Q. Did not the same men from Lincoln township tell you at that time that you were in no danger of violence at the hands of the Leaguers of this county; that they considered you beneath their notice, and that you were only blowing around for effect?

29th A. I do not remember what was said, it was a difficulty instigated by Mr. Amos Sanford, where there were some ten or fifteen opposing me in an argument?

[John R. Wright protests against all such proceedings, as he thinks that the Committee was not sent here to inquire into little petty quarrels of the neighborhood, unless they assumed that public character to endanger lives, limbs or property.]

By J. H. Snead:

30th Q. Since you have lived upon the Neutral Lands have the courts been open, that the civil law could have been in force?

30th A. So far as the courts have been concerned, civil law could have been enforced; the courts have been open.

31st Q. Do you know, of your own personal knowledge, of any ministerial officer of the courts on the Neutral Lands being resisted by the settlers on the Neutral Lands in the execution of the law?

31st A. I do not.

JAMES F. ST. CLAIR.

E. E. Parker, who being first duly sworn according to law, testifies as follows: My age, twenty-nine; residence, Crawford county, Kansas; occupation, lawyer.

By A. Sanford:

1st Q. What county office do you hold, and when were you elected?

1st A. County clerk; November 2d, 1869.

2d Q. What were the issues upon which you were elected?

2d A. I was elected upon the anti-Joy ticket; the issues were, defending the right of settlers against corporations or any assumed titles to the lands: my majority was about four or five hundred.

3d Q. Was there any necessity for the stationing United States troops, or other military force, upon the Neutral Lands during the year of 1869, and if so, does that necessity still exist?

3d A. I do not think that there was any necessity, nor is there now.

4th Q. Do you know, from any official source other than the Governor's message, for what purpose the troops were sent here for?

4th A. I do not.

5th Q. What reason was generally assigned by that class of citizens who favored the sending the troops here for that necessity?

5th A. They were sent to assist the civil authorities.

6th Q. Were the civil authorities of your county prevented from performing their duties by any of the people on the Neutral Lands?

6th A. I think not; I never heard of a resistance to any officer.

7th Q. Have you ever heard any of the civil officers of your county express their ability to carry out and execute the law and perform the duties devolving upon them as officers, and if so, when, and who was it?

7th A. Some time in June, 1869, a conversation occurred between Mr. Ryan, the former sheriff of this county, and myself, in regard to a certain petition that had been sent to the Governor for troops; in that conversation Mr. Ryan claimed to have been slandered by being accused of having signed

said petition for troops, and declared that he was able, and had been so during his term of office, to serve any process that had been placed in his hands.

8th Q. Was this before or after the troops arrived ?

8th A. It was before they arrived ; it was after the petition for troops had been forwarded to Topeka.

9th Q. Is the presence of troops here now conducive to the peace and prosperity of this locality ?

9th A. I do not believe they are.

10th Q. Do you know of any outrages or unlawful acts committed by the soldiers ? if so, state whether or not they have submitted to the operation of civil law.

10th A. I know once of their resisting civil law here in town ; the difficulty occurred on Sabbath, on the following Monday a warrant was issued for his arrest and a constable was sent after him ; the culprit and three or four more soldiers resisted the officer, throwing rocks at him and striking him with revolvers ; they also resisted the deputy sheriff, striking him and making him right about face and kicking him in the stern ; the soldiers were intoxicated and in town, the commander was at camp, some two or three miles away when the arrest was attempted to be made.

By J. T. Burris:

11th Q. Where were you at the time J. A. J. Chapman, and other engineers and employees of the railroad company were driven from the line of the railroad ?

11th A. I do not know ; I don't know of Mr. Chapman being driven off of the railroad.

12th Q. Do you know of laborers on the railroad being driven from their work by citizens on the Neutral Lands ?

12th A. I do not.

13th Q. Do you know of railroad ties having been burnt on the line of the railroad in Cherokee county ?

13th A. I do not.

14th Q. Do you know whether the driving away of Chapman and his party, and of railroad hands, and the burning of railroad ties reported to have been done, was sanctioned

or approved by any portion of the people of Crawford or Cherokee counties?

14th A. Yes.

15th Q. How large a proportion of the people of Crawford county favored these outrages?

16th A. I do not remember of hearing but two or three men speaking in regard to it, and opposing it; in regard to how large a proportion, I do not know.

17th Q. Why is it that in counties where such outrages were perpetrated you believe it unnecessary to have the aid of a military force?

[J. H. Snead objects to the question, for the following reason: That there has not been any proof that the citizens on the Neutral Lands committed the outrages as referred to in the question.]

17th A. Well, in the first place, I don't know of any such outrages having been committed; in the second place, I am confident that a majority of the citizens did not participate in the outrages, if any did; in the third place, I believe that the sheriff of Crawford county could have arrested any body in the county if he had had the proper papers in his hands; at the spring term of the district court, the report came here that the engineers had been driven from the railroad line, upon which some twenty-five or thirty men tendered their services as a posse to assist in arresting the guilty parties; Mr. Ryan, in my presence, refused them, telling them that he was able to make any arrests himself.

18th Q. Do you know who the parties were who made an expedition to Baxter Springs, to demolish or suppress the railroad land office there?

18th A. I do not know the parties, nor of the expedition.

19th Q. Where were you at the time that expedition was reported to have been made?

19th A. I do not know at what time the expedition was made, but expect I was living in Girard.

20th Q. Did any portion of the people of Crawford county sanction or approve of that movement on Baxter Springs?

20th A. I do not remember of talking to any of the citizens outside of Girard; I heard no one approve of it.

21st Q. Could those parties, engaged in driving off engineers and railroad hands, and in burning ties, have been arrested, prosecuted, convicted and punished in Crawford county, at the time those outrages were committed?

[J. H. Snead wants his objection recorded, as the witness has already stated that he don't know that there was any ties burned, engineers driven off of the road, or any outrages committed upon them. Sustained by Sanford; Burris, Le Duc and Wright sustain the question.]

21st A. I think if any party had violated the law, they could have been arrested; no courts were ever interfered with, nor do I think they would have been; I believe any parties charged with crime could have been arrested, fairly tried, and if found guilty, punished; I think they could, if there had been any such parties.

22d Q. Do you know of a mob, composed in whole or in part of citizens on the Cherokee Neutral Lands, proceeding to Jacksonville?

22d A. I was in Jacksonville last spring; the night after I got there, there was a mob after a Mr. Gunn of that place. Jacksonville is in Labette county, on the Osage land; there were some of the parties who I thought lived in Crawford county; I do not know whether they live on the Neutral Lands or not.

23d Q. Were you yourself a member of that party, or did you help to get it up, or in any way participate with the members of it?

23d A. I was not a member of the party; I did not help get it up; I assisted Mr. Gunn to escape; I did not participate with the party.

EDWIN E. PARKER.

J. W. Lane, who being duly sworn according to law, testifies as follows:

My age is 39 years; I reside in Baker township, Crawford county, Kansas; my occupation is that of a farmer; I have resided in the county since July, 1868.

By J. T. Burris:

1st Q. Do you know of any acts of violence having been perpetrated by any portion of the people of the Neutral Lands against the railroad company, its contractors, engineers, laborers or other employees, prior to the arrival of troops here?

[Mr. Sanford objects to this mode of asking questions, on the ground that it is leading and suggests the answer, and to the subject matter of the inquiry, for the reason that no authority is given the Committee to inquire into quarrels between citizens, or between any portion of the citizens on the Neutral Lands, and any incorporated company, or individuals composing any private corporation.]

1st A. I was assessor of Baker township for the year of 1869; they appointed a committee; (I mean by they it was a meeting of citizens of Baker township, and some from Girard;) the committee consisted of Willis Banks, Hannible Huff, William Marlatt; they notified me not to make any assessment of land claimed by the railroad company per abstract handed me by the county clerk. I was off in the east part of the township assessing; after that, when I returned home, my wife and hired girl—[At this point objection was made to the witness testifying to statements made to the witness by others, whereupon Mr. Burris moved that the witness be allowed to proceed to answer the question in his own way, whether of knowledge or information, and that the clerk record the statement as made, which motion prevailed, Burris, Wright and Le Duc voting aye, and J. H. Snead, nay.]—my own boy, and a boy that was living with me, reported to me, that the night before, after they had all gone to bed, some ten or twelve persons came and demanded the papers that had been furnished me for assessing the land. I read a letter from an assessor of a township west of me; he signed it officially as assessor of the township, that a party of men came to his house the night before, took him prisoner and then took his papers, and he thought the parties were

from Cherokee county. My papers were not taken, and when I came home I returned the papers to the county clerk and made no assessment.

2d Q. Do you know of any other acts of violence, or threats of violence by any portion of the people of the Cherokee Neutral Lands against the railroad company, its contractors, employees or property?

2d A. After what we term as the first Baxter Springs raid, I know that another raid or move was contemplated, but it was finally abandoned.

3d Q. Did you ever hear any threats, by any of the so-called Land Leaguers, against Mr. Joy, the railroad company, its employees or property?

3d A. They threatened to destroy the land office at Baxter Springs the second raid; they threatened Mr. Bailey; they drove him away from our township; he was a railroad man, or in favor of letting the road go on. Mr. Bailey kept coming back into the township; I heard Mr. Langdon say that if he came back any more to take him with the posse and he would start him; I mean by "they" it was the radical party of the Leaguers; the names of the leading ones are Messrs. Langdon, Cheeny, George Hobson, R. Bartan, D. J. Vermillion, H. Hearon, Wm. Marlatt, John Porter, Daniel Porter, Hiram Hearon, Col. Daniels, Frank McLain, Charles and Geo. McLain, Lisabee S. Delain, Wm. Morton, J. T. Keeler, J. Brown, Geo. Brown, C. W. Brown, Vanphool; that is all I think of at present.

4th Q. Did you attend any public meetings on the Neutral Lands which were addressed by the Hons. Sidney Clarke, G. H. Hoyt and John Speer?

4th A. I did; it was at Iowa City last July, 1869.

5th Q. How largely was that meeting attended?

5th A. I should think that there were about two hundred and twenty-five persons there.

Q. Were any resolutions passed at that meeting?

A. There was a verbal resolution offered by Mr. Langdon that we use our influence to send Sidney Clarke to the United

States Senate, (S. J. Langdon the representative of this county, is the man I mean.)

6th Q. Who were the speakers that addressed that meeting?

6th A. Sidney Clarke, John Speer and G. H. Hoyt.

7th Q. What was the advice given by the speakers to the people assembled?

7th A. Mr. Clarke advised them to stand firm. He thought that they had been imposed upon; he rather approved of the action they had taken in stopping the road from being built. The question was asked by one of the audience, "if the company come on guarded by United States troops what would we do?" Mr. Clarke says, "of course, I cannot recommend violence."

[Further answer to this was objected to by H. Sanford, sustained by Wright and LeDuc. The objection of Mr. Sanford, was that we had no business to ask about what Sidney Clarke said, or any other man.]

By Mr. Sanford:

8th Q. How do you know that a second raid was contemplated on Baxter Springs?

8th A. I know it from the fact that I was in the meeting when the word came for us to go.

9th Q. Were you a member?

9th A. Yes, sir.

10th Q. What was the object of the second raid?

10th A. To go there and close the railroad land office.

11th Q. Who threatened Mr. Bailey, and drove him away?

11th A. The League; I was not at the meeting; I cannot say who the committee was, not from my own personal knowledge; I was furnished with a list of the names of the committee, Messrs. James Cheeny, Martin Bratin, and Walker.

12th Q. How do you know that any person or persons drove Dr. Bailey away from your township? Do you know it of your own personal knowledge or from statements of others?

12th A. I do not know from my own personal knowledge, but from statements of others.

13th Q. What words did Mr. Clarke use to make you rather think that he approved of preventing the railroad from being built ?

13th A. He cited us the resolution that he had got through the House the winter before ; that if we stood firm and prevented the railroad from being built south of the county line, and kept up our organization that it would be brought up again in Congress, and that we would get some relief. I cannot give his exact words, those are the words or purport of the words as I understood them, and I understood them—

[Col. J. T. Burris insisted upon the witness giving full answers to the question ; A. Sanford objects to the witness making a further answer to the question. Wright and LeDuc sustain Burris.]

The question then was asked Mr. Clarke what we should do if the company should come on guarded with United States troops, Mr. Clarke says, of course, I cannot advise you to commit any acts of violence ; he says, I understand that a short time ago some ties were piled up on Cow creek, and by some accident they caught fire and were burned up ; I further understand that a party of surveyors were coming down through your county, and, by some such accident, the wagon and their implements took fire and were burned up. Now, then, says he, such accidents will happen in the best regulated communities ; you know, he says, that it has been very dry this season ; when such accidents as these do occur you should be very careful to all be in bed asleep ; now, who ever heard of a train of cars running through a country without ties or bridges.

Q. Who signed the abstract that was sent you, recorded by the county clerk ?

A. By Cab. Cox, Mr. Joy's agent at Fort Scott.

By J. T. Burris :

Q. By whom were you informed that the Leaguers drove Dr. Bailey from his home ? .

A. I was informed by the Leaguers.

J. W. LANE.

Adjourned, to meet at Columbus, Cherokee county, this 10th February, 1870, 5 P. M.

COLUMBUS, February 11th, 1870.

Committee met pursuant to adjournment, at 9 o'clock A. M.

James G. Duncary, who being first duly sworn according to law, deposeth and saith :

I am a resident of Cherokee county, Kansas; am thirty years old, and by occupation a carpenter, and am county clerk of this county; I have lived in this county near three years; I was elected county clerk at the last general election, on the settler's ticket; my majority was seventy.

By A. Sanford :

1st Q. Do you know whether or not any sheriff or other ministerial officer, has ever been resisted in making any civil arrests, or prevented from executing any civil process in this county, and if so, state by whom, when, and where did it occur ?

1st A. I know of none.

2d Q. Would you have been likely to have known, if such had been the case ?

2d A. I would.

3d Q. Have the courts within this county been regularly held, and open for the redress of grievances since your residence therein ?

3d A. They have, as far as I know; there has been no obstruction in the court, that I know of.

4th Q. Has the presence of United States troops on the Neutral Lands been necessary to assist the civil officers in the preservation of peace?

4th A. They have not.

5th Q. Is their presence here now conducive to the peace and prosperity of this locality?

5th A. I think that it is not, but, on the contrary, objectionable; I consider that we have no need of them at all.

6th Q. Are the people of Cherokee county generally law-abiding and orderly, or are they disposed to lawlessness and a disregard of law and order?

6th A. They are law-abiding, and as quiet and regard the law as much as any community I ever lived in.

7th Q. State whether or not any portion of the male adults were soldiers in the United States army during the late war, and if so, about what proportion?

7th A. A large proportion of the citizens of this county were in the war, I think about three-fourths.

8th Q. State if you know of any ill-feeling on the part of the citizens generally, and towards whom, and the cause.

8th A. There is an ill-feeling existing with a great many of the citizens, in regard to troops being sent on the Lands without the citizens being made acquainted with the cause for sending them; there is no ill-feeling towards Mr. Joy personally, nor the railroad company, but there is a feeling of oppression, made so by attempting to take forcible possession of our land; I aim to convey the idea that the citizens feel oppressed.

9th Q. What were the issues before the people at the last general election, and how were the people divided, and what were the principles involved in the contest?

9th A. The issue was labor against capital; the people were divided on the question as to whether they would buy their land from the railroad company or the general government; the principles involved in the contest were, whether we would suffer the authorities to take forcible possession of our land or not.

10th Q. State what you mean by the authorities.

10th A. I mean by the authorities, this: The settlers considered that the troops were illegally sent here, and that the sale of the Lands was illegal; it was our object to bring about a reform that would eventually terminate in justice and equity.

11th Q. State whether or not the principles of the settlers' party were defined by resolutions, and if so, by what kind of a convention, and whether or not the opposing party declared their principles in resolutions.

11th A. The settlers' party was defined by resolutions, in a convention which was held at Columbus, the county seat of Cherokee county; it was generally understood that the convention was to be held—was a delegate convention; I know of no resolutions guiding the actions of the opposite party.

By J. T. Burris:

12th Q. Were you an officer of Cherokee county prior to the late general election?

12th A. I was not.

13th Q. Do you know of a district court in this county being adjourned by order of the judge, before the business of the court was disposed of, because of the ill-feeling and disturbances existing among the people?

13th A. I do not know of such circumstance.

14th Q. Where were you at the time of the first court held in this town?

14th A. I was on my claim, about four miles from this town; I think the first court was held about the first of August, 1869, which was the only district court.

15th Q. Do you know of persons, who were brought before that court on charges of violating the law in forcibly resisting the building of the railroad, being discharged by the court without trial, on promise made by them to abstain from acts of violence and lawlessness in the future?

15th A. I don't believe I can answer that intelligently; I heard of some persons who were under arrest but knew not for what.

16th Q. Were not meetings held and resolutions adopted by what you call the settlers' party, other than the one to which you have already referred?

16th A. There was, by the League party.

17th Q. Have not some portion of the settlers at such meetings held resolved to resist the building of the railroad unless Mr. Joy would agree that they should have their land claims at \$1.25 per acre?

17th A. No; the resolutions were embodying the facts that they would resist the building of the railroad until Mr. Joy's claim to the land was relinquished; that they did not propose to buy the land of Mr. Joy, but receive their title from the general government.

18th Q. When, where, and how many times have such resolutions been passed?

18th A. These meetings have been held and such resolutions passed frequently, and generally over the county since Mr. Joy issued his circular giving terms and price of land.

19th Q. Is the party which you term the settlers' party arranged into regiments, battalions and companies, commanded by colonels, lieutenant colonels, majors, captains, and other officers, with military designations?

18th A. Not under all the formalities of military; acquainted with military tactics as I am, I will state that it is not perfectly so. There are officers in the organization that assume those titles to some extent. I should state here that this is an organization outside of what is termed the settlers' party, more familiarly known as the League.

29th Q. Do you know of any person or persons being driven from the Neutral Lands, or being in any way maltreated or threatened with personal violence because of their opposition to what is familiarly called the League, or their support of Mr. Joy or the railroad company?

20th A. I cannot say as I do.

21st Q. Do you know of railroad ties being burned in this county, and if so, where and by whom?

21st A. I don't know. I have seen some stubbs of what was called railroad ties. I don't remember the date when.

I think I saw them in the month of December, 1869, east of Spring River, in this county. I don't know who burned them.

22d Q. How many votes were polled in this county at the last general election?

22d A. I don't know without my books. [Books were brought;] the vote for county clerk was, J. W. Davis, 507; J. G. Duncary, 577; John Dyer, 10; total number of votes cast in Cherokee county for clerk, 1,094.

23d Q. Do you mean to be understood as saying the settlers' union organization is a military organization, in any sense, and that any of its officers have military titles derived from the organization, and if not state whether or not such is the fact?

23d A. I do not mean to be so understood. They have no officers with such titles, and nothing with them like it. It is entirely a political organization and a public organization.

[The vote of Baxter Springs for county clerk, was, J. G. Duncary, 2; J. W. Davis, 140; John Dyer, 1; the entire vote in Baxter Springs, for county clerk, being 143.]

By J. T. Burris.

24th Q. Are the members of an organization familiarly called the League, which has colonels, lieutenant colonels, majors, captains, and other officers bearing military designations, most or all of them members of the political organization called the Settlers' Union?

24th A. I cannot state. In my best judgment there is a large proportion.

J. W. DUNCARY,
County Clerk.

J. N. Ritter, who being first duly sworn according to law, deposeth and saith:

I am twenty-four years old. I reside in Columbus, Cherokee county, Kansas. My occupation is that of an attorney; am now county attorney, and have been since January, 1869.

By Amos Sanford.

1st Q. Have you ever been called upon to prosecute any citizens of Cherokee county for violations of law upon any charge for burning railroad ties, wagons, surveyors' instruments, or driving engineers, or other railroad employees, or driving any citizen from the county, and if so, who were the parties charged?

1st A. I have never been called upon to prosecute any such, nor have I ever heard of any one being arrested on such charges; I have never heard of warrants being issued against persons charged with such offenses.

2d Q. State whether or not the military force sent here was necessary to aid the civil officers in the enforcement of the law, or whether or not they have ever been used for that purpose.

2d A. No, sir; I do not think that they were necessary, nor do I think that they have ever been used for that purpose.

3d Q. Is the presence of the troops here now conducive to the peace and prosperity of this county?

3d A. No; I do not think they are, but think that their presence here is conducive to irritation and dissatisfaction on the part of the people.

4th Q. Were you present at a convention of the people of this county, held at Columbus on the 25th day of September, 1869; and if so, what was the purpose of the convention, and how were the members of that convention chosen?

4th A. I was present; it was called to nominate county officers and representative for this county; the members were chosen by the Settlers' Union in each township, where there was an organization of such union, by ballot; each township being represented according to the number of voters in said township.

5th Q. Were there any resolutions passed at that convention by a unanimous vote, and if so please attach a copy to your answer, if you have them?

5th A. There were; these are a copy of the resolutions, as published in the Workingman's Journal:

PLATFORM OF THE SETTLERS' UNION OF CHEROKEE COUNTY.

WHEREAS, The settlers of Cherokee county, Kansas, acting upon the suggestion contained in the settlers' resolutions of July 29th, 1869, adopted at the Jacksonville mass meeting, have formed a "Settlers' Union," in each township in this county, for the purpose of uniting together, without regard to existing party relations, in opposition to land monopolies, corruption in office, and wrong and oppression of every form, and

WHEREAS, This convention was called for the purpose of nominating candidates for county officers: Therefore be it

Resolved, That we, the delegates to this Settlers' Union convention, representing the views and sentiments of the people of the several townships, are in favor of the principles contained in the immortal declaration of independence; of equal and exact justice to all, special privileges to none; of the developments of the country and its resources; of the same protection to productive industry that is given to non-producing capital; of the building of railroads in any legitimate way; and in favor of giving (not selling) the public lands of the United States to actual settlers, only in limited quantities.

Resolved, That we are opposed to monopolies, imperialism, aristocracy, and any combination of power that tends to subvert the "will of the people" which is, or should be "the law of the land."

Resolved, That we will not submit to the demands of the Missouri River, Fort Scott & Gulf Railroad Company, for a mortgage upon our labor for years to come; and that our refusal to purchase our homes from said company, is based upon the belief that the sale of the Neutral Lands to James F. Joy is void; that any patents issued to him are void; that the said railroad company have derived no title to the Cherokee Neutral Lands by the conveyance from the said Joy; and that purchasers from said company can acquire no valid title.

Resolved, That we are willing to submit the questions involved in the Neutral Land controversy to the courts, and that the assertion that we are a band of lawless men who would not submit to the decision of the courts, is an insult to the intelligence of our people.

Resolved, That in our opinion it is the duty of Congress to pass an act annulling the pretended sale of said lands to Joy, and opening the same to settlement and entry under the homestead and pre-emption laws of the United States.

Resolved, That it would have been better policy for the United States, to have purchased the above mentioned lands from the Indians at \$1.00 per acre, and given them to actual settlers than to put the country to the expense of furnishing troops to aid railroad companies, for the purpose of oppressing the people, and intimidating them into submission to the demands of a landed monopoly.

Resolved, That the sending of troops upon the Neutral Lands, is an outrage upon our citizens, and an insult to the American people, and that the certificate of one Wm. G. Seright, a resident of Linn county, claiming to be sheriff of this county, of the 17th of May last, upon which the Governor's application for troops was based, is false, scandalous and malicious.

Resolved, That we tender our thanks to the workingmen of the United States for their expression of sympathy, by resolutions passed at the late session of the National Labor Congress.

Resolved, That we require of every county officer in our county in the future a strict observance of the duties imposed upon him by law, and the exercise of strict economy, so that taxation may be as light as possible upon our citizens.

Resolved, That all officers of our government are but the servants of the people. The rightful sovereigns should hold them responsible for violations of their trust, and that none but honest, capable and temperate men should be elected to fill any position of honor or profit in the future.

Resolved, That we are in favor of the protection of the ballot box against corruption and fraud, and the enforcement of the penalty for any violation of the election laws of our State.

6th Q. Do you know whether or not General Hazen, commanding the troops here, has taken any part in the controversy as to the title to the Neutral Lands.

6th A. Yes, sir; he has taken an active part, and written several letters, and one to the Governor of this State, which I have read. I have seen the following report published in the newspapers, [objected to by J. T. Burris as irrelevant and incompetent.] The witness showed an extract of what purported to have been written by General Hazen, from Hiram, Ohio. [Objection sustained by Le Duc, Wright and Burris.]

By J. T. Burris:

7th Q. How long have you resided in Cherokee county, and how long in Columbus?

7th A. In the county over two years, and in Columbus since about the first of last March.

8th Q. Do you know of any person or property being in any way injured or interfered with by any portion of the people of the Neutral Lands before the arrival of troops here?

8th A. Yes, sir; there has been some individual cases of it, done so by individuals, as far as I know.

9th Q. When, where, and by whom have such acts of violence been perpetrated? So far as persons or property were so injured, were they in any way connected with the railroad company?

9th A. I know of none.

10th Q. Do you know of meetings being held, and resolutions being passed, by any portion of the people of this county to the effect that the building of the railroad would be resisted in any event?

10 A. No, sir.

11th Q. As county attorney, do you believe that prior to the arrival of troops persons of this county could have been arrested, tried, convicted, sentenced and punished for the destruction of ties or other railroad property, although they might have been guilty?

11th A. I do, I have no reason to think otherwise.

12th Q. As county attorney, do you believe that residents of this county, who were members of the so-called League, could have been arrested, tried, convicted and punished for driving railroad engineers from the county, or for driving from the county or destroying property of citizens who were known to be what was called railroad, or Joy men, or anti-Leaguers?

12th A. Had they been guilty, I believe there has been no time but what they could.

13th Q. Why, then, as county attorney, have you not taken steps to have those parties arrested, tried, and if found

guilty, punished those who have been reported to be guilty of the offenses described in the last two preceding questions ?

13th A. I will simply say that I never heard of any particular persons being charged with such offenses, nor do I know who committed them if any had been committed.

14th Q. Do you know of any person having been forcibly taken from Columbus by a portion of the citizens of this county, and forcibly held as a prisoner by a squad of armed men, without process of law ?

14th A. No, sir ; I do not know.

15th Q. How many terms of the district court have ever been held in Columbus ?

15th A. There has been two terms, one last May, and one in September last.

16th Q. Did you have a grand jury either term ?

16th A. No, sir.

17th Q. Was not court adjourned at one or both of those terms by order of the judge before the completion of the term, because of the excitement and ill-feeling existing among the people ?

17th A. No, sir ; but on the contrary, every case was called and disposed of on the docket.

18th Q. Did you ever attend a meeting in Columbus from which Senator Voss of Fort Scott was driven by force or threats of force ?

18th A. I never saw Senator Voss at a meeting in Columbus except at court, nor never saw any one driven away by force or threats of violence.*

19th Q. Do you know of a force of armed or partially armed citizens of the Cherokee Neutral Lands, proceeding to Baxter Springs for the purpose, or avowed purpose, of destroying or breaking up the railroad land office, about the 10th of February, 1869 ?

19th A. I was in Baxter Springs at that time and saw a number of men in town on horseback, but what their purpose was, I do not know ; I presume there were between one

* Corrected, see page 83.

hundred and fifty and two hundred, I noticed some of them having arms ; I don't know whether they all had or not.

20th Q. Who were those men, and where did they reside ?

20th A. I only recognized two or three of them, they resided on the east side of this county.

21st Q. Were not you and your county board informed that a body of men had forcibly seized and taken possession of the abstract of taxable lands of the railroad company, and did you not fail and refuse to prosecute those men ?

21st A. There was complaint made by the treasurer to the board of county commissioners that a certain paper purporting to be the abstract of taxable lands of this company in this county had been obtained or gotten from him ; the treasurer wanted the county board to take it in hand and prosecute it, as I understood it, and the board, or one of the board, of county commissioners asked my advice, and as near as I can recollect is simply this, for the treasurer to go before a justice of the peace and complain under oath against the parties accused ; I have never refused to prosecute the men, but have announced myself in readiness to prosecute all offenders.

22d Q. Did you offer or propose to draw up the proper affidavit ?

22d A. No, sir ; I did not offer or propose to, for the simple reason that I do not think an affidavit is necessary, nor was I asked to draw up an affidavit.

By J. H. Snead :

23d Q. Has there ever been an application or a petition for a grand jury in this county, and if so, when and by whom ?

23d A. I have asked the board of county commissioners, one year ago last January, to order a grand jury for the May term of the district court ; I also made the same request at the July term of the county commissioners, showing them the necessity of having a grand jury, but they refused on

both occasions, stating that it would involve an additional expense ; I think none of them are members of the so-called League ; one of them is its strongest opposer.

24th Q. Please state all you know about the Baxter raid, and whether you requested any one to file affidavits against any party or parties that were engaged in the same, and if so, did they do it?

24th A. All I know is, that men came into town; after this party of men had left, the citizens of Baxter, or a great number of them, flew to arms; organized themselves into companies and battalions, hauled the ealaboose from one of the baek lots to a public street, said that they were going to use it for a fort, and went about ordering men to join some one of the companies; they came to Mr. Sanford and me, and requested us to do the same thing; we refused from the simple fact that we thought it was a mob and told them so; I saw no one commit an illegal act, personally; other men came to me and told me that illegal acts had been committed by the party, and requested that they be arrested; I requested them to go before a justice of the peace, make that complaint under oath, and have the parties arrested; I should prosecute them to the best of my ability; they refused, however, to do so.

25th Q. Did the sheriff, or any other officer, attempt to make any arrests at that time?

25th A. No, sir; they did not to my knowledge; I told some of the officers to make an arrest, and they then would have the power to call all the county in assisting them.

By A. Sanford.

26th Q. Do you know Wm. D. Seright? if so, what office did he hold, and how did he conduct himself?

26th A. I am acquainted with Mr. Seright; he was sheriff of this county; he neglected to hold his office at the county seat for a number of months, and has, to my knowledge, refused to serve and return one or two proecesses.

27th Q. Was there any sheriff or deputy attending the district court at its last session, and has there been any sheriff's office kept open at the county seat since that time?

27th A. Under sheriff Dyer attended the court on that occasion, but there has been no sheriff or deputy sheriff having his office here since that time, until sheriff Vincent was qualified as such.

28th Q. Where is William Seright and John Dyer now?

28th A. I do not know where.

By E. H. Le Duc:

29th Q. Where did Mr. Seright hold his office?

29th A. I don't know.

30th Q. Where did his deputy keep his office?

30th A. I don't know.

J. N. RITTER,
County Attorney.

[J. N. Ritter, by his own request wishes to make correction of answer to question 18.—See page 80.]

Correction—Except one J. W. Davis.

By E. H. Le Duc:

1st Q. When did you see Mr. J. W. Davis driven away from Columbus by threats of violence; who was present, and what was done?

1st A. It was done some time about the first of April, 1869. Mr. Douglas, Mr. Graham, A. M. McDowell, William Smith, were present. One of the parties said that Mr. Davis had established a proving-up office here, and he proposed that it be stopped, and that Mr. Davis be notified to quit the town; he was notified to quit the town.

2d Q. Did you say any thing to Mr. Davis?

2d A. I spoke to him; we had been rooming together; we were friends; I expressed my sympathy for him.

3d Q. Did you tell him he must leave, or anything to that effect?

3d A. No sir; I did not.

4th Q. Have you ever seen any person commit an illegal act in any place in the county?

4th A. None, except the one referred to.

5th Q. Why did you not take measures to punish the persons committing this illegal act ?

5th A. Because complaint was never made before a justice of the peace, and it was not my duty to do so until complaint had been made.

By J. H. Snead :

6th Q. Did Mr. Davis return to this place or the county before the troops were sent here, and if so, how long before ?

6th A. He returned to this place about two weeks after being sent away ; several months before the troops arrived.

By Mr. Sanford :

7th Q. State whether or not, upon his return, he was upon friendly terms with the same men who requested him to leave the county, and what has been his relations to them since ?

7th A. Yes, sir ; he was upon friendly terms with them after his return ; he told me he could not blame the boys much ; they were his best friends now.

By Mr. Burris :

8th Q. Did he on his return, or at any time thereafter, attempt to open a proving-up office in this place ?

8th A. Not to my knowledge.

JOHN N. RITTER,
County Attorney.

J. R. Edwards, who being of lawful age, being first duly sworn according to law, deposeth and saith :

I am twenty-six years old ; reside in Columbus ; my occupation is that of an attorney at law ; I have resided in this county and city since the 31st of May last.

By J. T. Burris.

1st Q. Have you ever witnessed any acts of violence perpetrated by any portion of the people on the Neutral Lands against the railroad company, or any of its contractors or employees.

1st A. I never witnessed any acts, I have heard a great many threats of violence ; I have heard Mr. Amos Sanford threaten to shoot any one of the railroad employees if they attempted to put their foot on his claim ; I heard him say that he was in favor of having the settlers arm themselves, march to Fort Scott and burn Joy's office, troops or no troops ; I have also heard him say that Mr. Joy ought to be run out of the country, and if they did not do it he would pack up his books and leave the country. He told me that I would have to leave this country in less than a week if I openly advocated railroad opinions that I had just given him in favor of the road.

2d Q. Have you attended any of the meetings and heard the resolutions passed by the so-called Leaguers ?

2d A. I recollect of having attended none of them ?

3d Q. Have you at any time seen armed bands of the so-called Leaguers in Columbus, and if so, what was their deportment ?

3d A. I don't recollect of seeing any such bands.

By J. H. Snead :

4th Q. Was Mrs. Fry induced to leave the town on account of threats made against her by Sanford ?

4th A. She was not.

6th Q. Did the threats, made by Sanford against the railroad company or its employees, come to their knowledge ?

5th A. I have no means of knowing.

6th Q. Have the courts been kept open since your residence in the county that processes might have been issued for the arrest of offenders against the law ?

6th A. Courts have been kept open ; processes might have been issued ; but I don't think arrests could have been made in a number of cases ; the reason I have that opinion is from the threats and what they have said.

7th Q. Have you ever seen any ministerial officer in the county of Cherokee attempt to make an arrest of any person or persons, and in so doing was resisted, and if so, when and by whom ?

7th A. I never have.

By John R. Wright:

8th Q. In your opinion could an arrest have been made at any and all times in Cherokee county for such offenses as burning railroad ties, or in any way impeding the progress or construction of the railroad?

8th A. They could not.

By J. H. Snead:

9th Q. How do you know that they could not have been arrested?

9th A. I have heard parties saying that they could not be arrested, some of them. I have heard say that they had burned ties and could not be arrested.

10th Q. Is it in that way you formed your opinion, and no other, that they could not be arrested?

10th A. From that, and the general character of the parties.

11th Q. Have you been driven away from this town, and do you still entertain opinions in favor of the railroad?

11th A. I have never been driven away from this town; my opinion is still in favor of the railroad.

J. R. EDWARDS.

James T. Goodner, who being first duly sworn, says he is forty-two years of age, and lives in Cherokee county; my occupation is that of a farmer, and am county treasurer of this county; have lived in this county since 1866.

By J. T. Burris:

1st Q. Have you witnessed at any time, in this county, any acts of violence perpetrated by any portion of the citizens of the Neutral Lands against the railroad company or any of its contractors or employees, or any other person, on account of their friendship for the same?

1st A. I have; in February or March, 1869, I was at Sherman City, and I saw a body of men coming from the south; when opposite my house they turned from the road towards my house; I, in company with one D. M. Spencer,

started to meet them; when we met them they informed Mr. Spencer that they were after him and that he must go with them, which he refused, when the order was given to take him. When the question was asked if any one had a rope to tie him with, the answer was that they had. My wife came out and took me away. They took him away with them. I did not count them, but my judgment is that there was thirty or forty men; a portion of them were armed and a portion had no visible arms; what were armed were armed with rifles and shot guns. William Givens appeared to be the commander of the squad. There was William Stearn, Jonathan Tompson, Mr. Horley, one or two of the Roboks, Mark Lewis, Pat King, a Mr. Radcliff; I don't know as I can designate all of them just now. A few days afterwards I went to a neighbor's house and Mr. Spencer was there; I had not been there but a few minutes when a mob rode up to the fence again and called Mr. Spencer out and demanded of him to go with them; he refused, and Mr. Givens remarked to his crowd, we will have to put him at the end of a rope where he belongs. They took him and went off northward; I went along, and after some quarter of a mile I was cut out of the crowd by one acting as a guard, and they took Mr. Spencer a short piece from the road and got off of their horses, and appeared from their actions to be administering an oath to him; that is all I saw of that transaction. On the 12th of May, 1869, I was waited on by a mob and robbed of an abstract of lands belonging to the railroad company, which was sent to me to have placed on the tax roll. The number of men were between twelve and sixteen. A part of their names are, William Givens, who was acting the part of captain, Cooper I. Thompson, W. Stearns Cowan I. Hesse, Edmunson R. Radcliff, George Tea, J. D. Elliott, J. B. Goodner, and some others, I have not got their names; if they were armed they were not visible; I saw Doctor Bailey, of Pleasant View, here under guard, but did not see him arrested; it was in the summer of 1869. I know nothing of driving off railroad hands or destroying railroad property.

2d Q. What were the charges made by these men against Spencer, Bailey, yourself and others?

2d A. The charge, so far as I could understand, against Mr. Spencer was, he was a Joy agent; against Bailey, I don't know; I suppose the charge against myself was the same as Spencer's, from the fact that they told me that if I had anything more to do with Joy or Cox, they would send me up with the railroad surveyors.

3d Q. Have you at any time heard any threats of violence made by any portion of the people of the county, other than those you have already referred to, against the railroad company, its employees or friends?

3d A. I have heard them say that the railroad could never be built until the land question was settled; I heard Mr. Edmunson state that; I have heard such threats several times, but I cannot identify them at this time; the first mob referred to said that they had broke up a Joy office, and exhibited some of the papers, and said that they had left a note with his wife for him to leave within ten days.

4th Q. Do you believe that any persons guilty of the injury to the property of the railroad company, or for outrages against the persons of the members or employees of the company, or to breaking up land and proving-up offices of the railroad company, by any of the so-called Land League, could have been successfully arrested, tried, convicted and punished?

4th A. It is not my impression that they could have been.

By A. Sanford:

5th Q. Why do you think so, when the civil officers of this county have had the United States army to assist them for the last six months?

5th A. I understood the question to refer to a time prior to the arrival of the troops; I believe that a successful arrest and prosecution can be had now.

6th Q. Why did you not, as a good citizen, make complaint before the proper officer as soon as the troops arrived?

6th A. At the meeting of the board of the county commissioners, in July, I brought the complaint before them; Mr. Ritter, our county attorney, objected to their taking action on it; the board made out an order, and placed it in my hands, to be delivered to the men that robbed me of those

rolls, for them to deliver them within two weeks, or they would be prosecuted; I told the commissioners that I was ready at any time to furnish the necessary information; I have never been called on for it since. That is the reason, as I consider it already in their hands.

7th Q. Did not Mr. Ritter tell you at that time, that the proper way for you to do was to make a complaint before a justice of the peace, and that he was ready to prosecute?

7th A. Mr. Ritter did not tell me so.

8th Q. Did he tell any one else so, in your presenee, and did you not say that you would have nothing to do with the prosecution unless the board of eommissioners acted upon it?

8th A. The eommissioners demanded of Mr. Ritter as to how they should proceed; Mr. Ritter told them that I would have to go before some justice of the peae, and file the neeessary information; I have no reecollection of Mr. Ritter saying that he was ready to prosecute, nor have I any recollection of saying that I would not prosecute if the commissioners did not aet on it.

9th Q. Did you ever make eomplaint before any justice of the peace or the eounty attorney for the purpose of prosecuting any of the parties you have mentioned?

9th A. I did not.

10th Q. Were you a candidate for re-election at the last November election?

10th A. I was on the law and order ticket?

11th Q. Were you eleeted?

11th A. I was not.

12th Q. Where have you held your office since the removal of the county seat to Columbus?

12th A. All the office I have had I have had at Columbus.

13th Q. What portion of the time have you been at the county seat personally, to attend to the duties of your office?

13th A. Up to the last of December, probably one-fifth of my time.

14th Q. The other four fifths of your time did you have a deputy to attend to your office at Columbus?

14th A. I did not. I did not really have an office here, as I have not been furnished an office yet.

15th Q. Did you come here to-day to testify before this Committee, and if so, at whose instance and request.

15th A. I did not. I have been here excepting what time I was gone to Topeka, to settle with treasurer, and Sabbaths since the latter part of December.

16th Q. State whether or not all the troubles you have mentioned have not grown out of the land question, and state whether or not the citizens of this county are peaceably disposed and law abiding generally?

16th A. I believe that the troubles have all arose out of the land difficulty; I believe that a majority of the citizens of this county are law abiding people.

By J. H. Snead:

17th Q. Do you believe at this time that there exists any necessity for United States troops on the Neutral Lands?

17th A. I am under the impression that they had better stay.

18th Q. Why do you think that the necessity still exists?

18th A. I thought so from the feelings and conversations of the people?

19th Q. What do you mean by the feelings and conversations?

19th A. I don't know how much better to express myself; just the spirit manifested in conversation between parties.

20th Q. Have you heard any one threaten that if the troops are removed, they will commit depredations upon the railroad company, their employees or property, and if so, who were they?

20th A. Personally, I have not.

By Mr. Sanford:

21st Q. By whom was that abstract signed, and of what was it an abstract, and from what records was it taken?

21st A. It was signed by J. T. Cox, with a certificate attached to it, certifying to the lands and the date of the patents.

22d Q. Who made the certificate, at what land office was it located, and what was the purport of the certificate?

22d A. Mr. John T. Cox, representing himself as being the agent of the Border Tier Railroad, or J. F. Joy, I am not certain which ; it certified that the foregoing was a true statement of the land lying in Cherokee county, patented to J. F. Joy.

23d Q. Who delivered the certificate to you, and for what purpose was it so delivered, and what use did you make of it?

23d A. It was delivered to me by a Mr. Shockley, of Baxter Springs; he told me that it was to have them put on the tax roll; I did not make any use of it.

24th Q. Did you not try to have the township trustees assess the list of lands mentioned in the abstract to Mr. J. F. Joy or the railroad company?

24th A. I did not; I was instructed by some of the commissioners to go ahead and make out a list of the lands in the different townships, and deliver them to the trustees of the township for assessment.

25th Q. Was not that instruction given at your solicitation, and did you not go to Baxter Springs and get the abstract from Mr. Shockley?

25th A. It was not given at my solicitation; I submitted the case to them to know what I should do with it, and to know whose business it was to furnish the abstract; they said they did not know whose business it was to do it, but told me to do it; that they might as well pay me as any one else; as to the other question, I had no intimation that they were coming until Mr. Shockley told me that he had them for me.

26th Q. Which of the commissioners gave you the instructions you refer to?

26th A. R. W. Raggeis.

27th Q. Why did you not go to the county attorney to ascertain who was the proper person to furnish a list of land in the county that had been patented?

27th A. I did not consider it my duty; I went to him to inquire whose duty it was to furnish an abstract to the trus-

tees; he gave me no direct answer, but gave it as his opinion that it was the county clerks place.

JAMES J. GOODNER,
Treasurer of Cherokee County.

Committee adjourned until to-morrow morning, nine o'clock, A. M.

Committee met pursuant to adjournment, February 12th, 1870.

Mr. J. T. Davis being duly sworn according to law, deposeseth and saith: My age is thirty-eight years; I live in the town of Columbus, Cherokee county, Kansas; have lived there about three years; my occupation is a farmer.

By Mr. Sanford:

1st Q. Are you acquainted with Johnson Virtue?

1st A. I saw him once.

2d Q. Were you present at Columbus when the men who had been engaged in hauling stone were paid off by the railroad company, and if so, state all you know about any dissatisfaction on the part of the men, and the cause of it?

2d A. No, I was not here.

3d Q. State whether or not the railroad employees quarried and took from your claim any stone to be used in the construction of the railroad, and if so, was it with your consent; state fully all you know about it.

3d A. I think they took about three hundred loads without my consent; I notified them before they moved the rock to let it alone; I told them all the time they were there that just as soon as got able I would see whether they had any authority to move the rock; I was sick at the time.

4th Q. Did Johnson Virtue, Charles Groves, or any other agent or contractor of the railroad company, make any contract with you or pay you anything for the stone, and if so, how much?

4th A. They never paid me "*nary dime*," and there never was no contract with any one for it; I told Johnson Virtue three times that I would make no contract with him while he was there; I never made no contract with him.

5th Q. Do you know of their hauling stone, camping upon or cutting timber on any other claims in your neighborhood without the consent of the occupant, and if so, whose claims?

5th A. There were eight men camped on Amos Sanford's claim; there was timber cut, but I did not see them cut it; they hauled stone from Anthony Pitzer's claim; I also saw them hauling from Peter Todd's claim.

6th Q. State whether or not they claimed to have the right to take stone wherever they could find it, without regard to the claim of the settlers.

6th A. Yes, sir; they did.

7th Q. Are you acquainted with the character of J. R. Edwards for truth and veracity in the neighborhood where he resides, and if so, is it good or bad?

7th A. No; I know nothing about him only from the statements of others; even his own friends give him bad names; I never heard any good about him as I know of; his reputation, by general report, is bad.

By Le Duc:

8th Q. You say you have never heard anything about Mr. J. R. Edwards; did you ever hear any one say that he would lie, steal, or commit any other unlawful act?

8th A. Have heard people say that he would lie.

Q. What general reports cause you to think Mr. Edwards' character is bad?

8th A. He is very often drunk.

9th Q. Well, is that all of the reports you can think of?

9th A. I form my opinion on just what others say, viz: that he is very often drunk and raising a fuss.

10th Q. Is he apt to be quarrelsome or raise a fuss, when he is not drunk?

10th A. I do not know.

J. T. DAVIS.

Mr. Hannibal Scovell; being duly sworn according to law, deposeth and saith :

I am twenty-seven years of age; I reside in Columbus, Cherokee county, Kansas; have resided here about two years and six months; I am in the mercantile business.

By E. H. LeDuc :

1st Q. Do you know of any unlawful acts being committed by the people of this town or vicinity; if so, what were those acts, by whom, and when committed?

1st A. Yes, sir; I do know of unlawful acts being committed; sometime about the first of May, 1869, I had a building in my possession, belonging to Mr. Lee; a man by the name of Sidney Smith asked me to open the door and let him in, that there was something in the house that he wanted; while we were in there talking, Amos Sanford, J. N. Ritter, and a man by the name of Soveren, came into the house carrying books, tables, and chairs, as they came in Sidney Smith stepped to the door and took possession of the key, and handed it to Amos Sanford, told him there was the key to his office; he then turned to me and said that he thought that that was the best way to get possession, as they did not want to take the key from me by force; I then left the room, and left them in possession.

2d Q. Were you ever ordered to leave this place; and if so, who ordered you to leave, and what threats were made towards you, if any, and when did it occur?

2d A. I was ordered to leave this place by Sidney Smith. He said that we were known here as Joy's agents, that we had better pack up and leave, and that when we went we had better go in the night and be sure and not go by the way of Erie to tell Mr. Lee that his buildings had been taken possession of; that if we did, whenever we came back, we would suffer the penalty. This happened between the 15th and 24th of May, 1869.

By Mr. Sanford.

3d Q. For what purpose did Sidney Smith take possession of the building you refer to?

3d A. I do not know.

4th Q. Did he not tell you at the time that he wanted it for the use of the county officers, and did you not say that you did not care a damn?

4th A. The remark might have been made, but I don't think that it was made by me; I don't recollect of answering that I did not care a damn, and don't think that I did.

5th Q. Did you object to his taking possession, and to the house being used for county purposes?

5th A. I did not before he took it.

6th Q. Did you at the time, or any time afterwards?

6th A. I did not.

7th Q. Do you swear that I or Mr. Ritter carried any books into the house before Capt. Smith gave me possession by delivering the key?

7th A. When Mr. Smith delivered Mr. Sanford the key, Mr. Sanford was standing inside of the door, with some books on his arm.

8th Q. Did you ever make any complaint before a justice of the peace, in order to procure the arrest of any of the parties for any violation of law you have mentioned?

8th A. I never did; I was merely an agent for Mr. Lee, and I made my complaint to him; whether he did or not, I do not know.

9th Q. Do you know of any instance in this county where civil officers have been resisted in the execution or service of process, and if so, when and where was it?

9th A. I do not know of any instance.

10th Q. Were you not, in the month of March last, arrested upon a charge of maliciously shooting a domestic animal?

[E. H. Le Duc objects to witness being called upon to answer this question.]

Witness.—It does not require an answer.

11th Q. Did not you, J. N. Lee and others, agree and publish in a printed circular that you would furnish a temporary building for the use of the county officers, upon condition that the people would vote for Columbus for the county seat of Cherokee county?

11th A. We did.

12th Q. Did you ever comply with your agreement?

12th A. As far as I know, the agreement was complied with; I complied with my part, as long as I was asked to.

13th Q. What building did you help furnish for that purpose?

13th A. Frederic Fry's and J. N. Lee's.

14th Q. How much did you pay for that purpose?

14th A. I do not recollect how much.

15th Q. Did you ever pay anything?

15th A. Yes, sir.

16th Q. Did not S. S. Smith buy of you and furnish for the use of the county officers a building, because you and the others refused to make any provisions for a building to be used exclusively for the county officers?

16th A. He did buy a building of me, and had the county offices moved into it; but not because we refused to furnish rooms for the county officers.

17th Q. Have you not, in your store, heard threats of violence against the editor of the Workingman's Journal, or the printing office, since the arrival of troops here; and if so, what were the threats, and by whom were they made?

17th A. I never heard any such threats.

By E. H. LeDuc:

18th Q. Is there in your county an ill-feeling existing between the people, that would be likely to lead to violence if the soldiers were removed from among them?

18th A. I think there is.

By Mr. Sanford:

19th Q. What kind of violence, upon whom, and by whom would it be committed.

19th A. I don't know as I could answer what kind; it would be those opposed to building the railroad upon those in favor of the railroad.

20th Q. What is the cause of the ill-feeling in the county, that you refer to?

20th A. It grows out of the difficulty of the land question.

21st Q. Aside from the ill-feeling occasioned by the pretended sale of the Neutral Lands to J. F. Joy, are not the people of Cherokee county as peaceably disposed, orderly and law abiding as citizens of other counties?

21st Q. If it was not for that land question I suppose they would be here like they are in other places.

22d Q. Do you know of any ill-feeling on the part of the people except that which grows out of the land controversy?

22d A. I don't know that I do.

HANNIBAL SCOVELL.

BAXTER SPRINGS, February 11, 1870.

C. M. Taylor, who being first duly sworn according to law, deposeth and saith:

I am twenty-four years old; I live in Baxter Springs, Kansas; my occupation is that of painter, am at present city marshal of Baxter Springs Cherokee county, Kansas; have been city marshal of this place near two years.

By J. T. Burris:

1st Q. Have you witnessed any acts of lawlessness upon the part of any portion of the people of the Cherokee Neutral Lands against the railroad company or any of its agents, officers, or other employees?

1st A. All that I have seen of the railroad company being disturbed, or its employees, was, I think, in February, 1869, at the time of a raid upon Joy's railroad land office at this place.

2d Q. Who were the parties, as far as you know, and where were they from who made the raid on this place and against the railroad land office?

2d A. To the best of my knowledge, the most of them were from Cherokee county, some from Crawford county; in numbers they were about two hundred; William Graham, of

Wirtonia, was commander of the squad; I did not recognize but few of the party; among them were a Mr. Ludlow, Squire Willey, and McDonnell Robison; I don't remember any more names now, but knew some others at the time.

3d Q. At what time of the day or night did that party arrive, were they armed, and what did they do?

3d A. They arrived just about daylight; they were armed with pistols or guns, some with both; they first made a movement on Joy's land office; there they failed to find any papers at the office; they then went to the rooms of W. B. Shockley and John Cox; they arrested them and demanded the papers belonging to that office; they refused to give them up, stating, I think at the same time, that they were in the bank, the door was locked and the banker was gone; they then made a search for Mr. Van Winkle, the banker; they arrested him and demanded the key to the bank, on his refusal to give it up they would hang or shoot him or use some violence; Mr. Graham, in command of the party, stating that it was a bank organized under the United States law, that he would not take the responsibility of using violence; at the time I came to the bank some of the Leaguers were standing with their pistols cocked over the prisoners; at that time the street was full of horsemen, some sitting on their horses with their guns and pistols cocked; they were ordered out of town by the justice of the peace, Mr. H. T. Sumner, and sheriff Seright; at the same time Seright and myself were gathering the citizens together for defense; shortly after this they moved out of town saying, at the same time, that they would go and reorganize, elect a new commander, and come back; during the time they were here a party made an assault on the printing office, telling them that they had come to give them warning that if they did not change the sentiments of the paper the next time they came they would destroy the press; they threatened that if we did not stop Joy's land office they would burn the town; they said that if it had not been for high waters they would have had seven hundred men, as they expected reinforcements from Crawford county; who did not come.

4th Q. Do you believe that, prior to the arrival of troops on the Neutral Lands, members of the organization called Land Leaguers, who were guilty of burning railroad ties, or of destroying other railroad property, or of driving off or intimidating engineers, laborers or other railroad employees, could have been arrested, tried, convicted and punished for such offense?

4th A. I do not.

5th Q. Do you believe that work on the railroad through the Neutral Lands could have been successfully prosecuted but for the presence of troops?

5th A. I think it could have never been done.

6th Q. Was the railroad land office at Baxter Springs ever reopened after the raid was made of which you have already spoken?

6th A. It never was, to my knowledge; Mr. Sumner took a few affidavits as to time of settlement, not as an officer of the company but as a Justice of the Peace.

7th Q. Do you, of your own personal knowledge, or from the admissions of those engaged therein, know of any other outrage against the railroad employees, or of the burning or destruction of railroad property?

7th A. Not of my personal knowledge.

By J. H. Snead.

8th Q. Did you, or any ministerial officer, or peace officer, or United States Marshal attempt to make any arrest of any of the parties who were engaged in this raid?

8th A. No, sir; none, to my knowledge.

9th Q. When justice Sumner and sheriff Seright ordered this party to leave the town, did they go, or was it by command of Graham, their commander?

9th A. They paid very little heed to Summer and Seright; the general impression is that they went by the orders of Mr. Graham.

10th Q. Did any one refuse, by any words that you heard, to go at the command of Summer and Seright.

10th A. They did not; they made sport of it.

11th Q. Did Graham refuse to go, when ordered by the peace officers?

11th A. Not to my knowledge, by words, but did not go for half an hour, to the best of my judgment.

12th Q. Since you have been in office have the courts in this county been kept open, so that processes could have been issued, if called for?

12th A. I suppose that courts were open, so that processes could be issued.

13th Q. Do you know any citizen of this county who has resisted any ministerial officer in making an arrest; and if so, under what circumstances?

13th A. I have known only one where process was issued and the papers were placed in the deputy sheriff's hands; the parties, when the warrants were read, refused to go, stating that there was no law when the process was issued; they put their revolvers on; one of them first stated to the officer that there he was, to take him if he could; the other man was off a short distance, drew his revolver and swore to his brother to never surrender. The order of arrest was issued by the justice of the peace of this place, against the Douglass brothers, Wirtonia, and the charge was for being in the raid on the land office; there was a warrant against some seven or eight; some for assault against Dr. Bailey, (I am not sure which offense this was for,) and some for the raid spoken of; finally, after they had resisted as described, the sheriff being about to leave, they consented to go with him, stating that it was as good a thing as the officer wanted for them to resist; a crowd of Leaguers resisted the sheriff at a meeting at Columbus, sometime in the spring of 1869; when squire Sumner was on the stand, he was assaulted by the Leaguers, by throwing coal, and drawing pistols, swearing that he should not speak; the sheriff attempted to arrest some parties, but had to desist, on account of the drawing pistols by members of the League; the parties that drew their pistols were strangers to me; it was called as a law and order meeting; but the Leaguers swore that no d—d railroad man should speak.

14th Q. Did the sheriff call on you, or any one, to assist him?

14th A. I don't know.

15th Q. What was done with the Douglass boys, after their arrest?

15th A. They came down and were bound over to appear at court; after court met they were discharged without trial, when Mr. J. N. Ritter was county attorney.

16th Q. Was any other person, connected with the raid, arrested for the offense, and if so, were they discharged or convicted?

16th A. There were five or six for the offenses above stated, who were bound over to court and were discharged without trial, while Mr. J. N. Ritter was county attorney.

17th Q. Do you believe that a jury could be found in this county that would find any person guilty, if so proved in the courts, of any crime against the railroad company, or its employees or property?

17th A. They can be found.

By J. T. Burris.

18th Q. Do you believe that a jury made up wholly or largely from members of the League, would convict a fellow member of the League for outrages against the railroad company, its employees or property?

18th A. I am confident they would not.

19th Q. Do you believe that the sheriff of the county, with all who would have obeyed his order, could have arrested the members of the League who took possession of the meeting, at Columbus, of which you have spoken?

19th A. I do not.

20th Q. Do you know of Senator Voss, of Fort Scott, being forcibly driven by the Leaguers from the meeting at Columbus of which you have spoken?

20th A. I do. Mr. Voss came there to speak at that meeting; it was discovered by his friends that he was in danger by staying there; a small party of twelve or fifteen, from this place, assisted him in getting away, under a shower of stones and one or two pistol shots by the Leaguers.

By J. H. Snead:

21st Q. How do you know that those men were Land Leaguers?

21st A. They claimed themselves to be Leaguers.

22d Q. Did they tell you that they were Leaguers?

22d A. I heard a good many of them make the remark that they were Leaguers.

23d Q. After the Leaguers took possession of the meeting, who were its officers?

23d A. C. C. McDowell was the president; I think he was; further than that I can't state.

24th Q. Were the Hon. Amos Sanford and County Attorney Ritter members of that meeting?

24th A. They were.

25th Q. Who called the meeting to order?

25th A. The Leaguers.

By J. T. Burris:

26th Q. Did you, on that occasion, or at any other time, hear any threats or declarations made against the railroad company, its employees or property, by the Hon. Amos Sanford?

26th A. I can't say positive, as to that time, but have heard him make the assertions that the railroad could not be made through his county; that he would protect his home by the point of the bayonet; that no railroad company could enter or cross his claim.

C. M. TAYLOR,
City Marshal.

J. D. McClure, who being first duly sworn, deposeth and saith:

I am forty-four years old; live at Baxter Springs; occupation, a physician; have lived here three years.

By J. H. Snead.

1st Q. Was you in this place some time in February, when a raid was made upon James F. Joy's land office, and if so, do you think that the demonstration made was against any other persons or property than the land office?

1st A. I was here during the time of the raid, and believe that there was no demonstration against anything but the land office, to obtain the papers of that office.

J. D. McCLURE.

Geo. W. Weaver, who being first duly sworn, deposeth and saith :

I am thirty-two; live in Baxter Springs; occupation, a druggist; have lived here two and a half years.

By J. T. Burris :

1st Q. Do you know of any railroad property being burned or destroyed in this county, and if so, what property, and when and where destroyed?

1st A. I know of between twenty-six and twenty-seven hundred railroad ties being burned; they were burned on Spring River, in this county, about eight miles northeast of this place, on what is known as the Lumly claim, now owned by Ingraham, Weaver & Co., tie contractors; they were burned in the spring and summer of 1869; I know nothing of my own personal knowledge who burned them; I believe, from information gained through members of the Land League, that they were burned by the League, and by order of Col. Vincent, now sheriff of this county; a member of the League,—at least he told me that he was a member,—stated that he was present at a burning of a portion of the ties, and that they were burnt by members of the League; he refused to give any names, stating that he dare not do so; I do not feel at liberty to give the name of my informant.

2d Q. Do you know of any threats having been made by any of the members of the League, to burn ties or to destroy other railroad property, or do injury or offer violence to railroad men, or friends of railroads?

2d A. I have been told by men claiming to be members of the League, that they would burn all our ties, or as many of them as we should attempt to get out, at the same time advising us to quit.

3d Q. Were you present when the raid was made on the railroad land office here?

3d A. I was.

4th Q. Could the sheriff or city marshal, with other ministerial officers here present, have arrested the raiders?

4th A. I do not think they could have been arrested; they were about two hundred in number, all armed.

By J. H. Snead:

5th Q. Did any officer make any attempt to arrest any of the raiders?

5th A. Not to my knowledge.

6th Q. Did you, by threats or promises, obtain the information from the party, who you are not at liberty to give the name, of the burning of your ties, and, if so, what were the threats or promises?

6th A. There were no threats nor rewards offered; I did promise to withhold his name.

7th Q. Did this party tell you the ties were burned by order of Col. Vincent?

7th A. He did not tell me so, but said all orders of that kind emanated from him.

G. J. WEAVER.

J. W. Hightower, who, being first duly sworn, deposeth and saith:

I am a resident of Baxter Springs; my age is thirty-five years; my occupation that of merchant; have lived here since November, 1868.

By J. H. Snead:

1st Q. Were you present in this place in February, 1869, when a raid was made upon James F. Joy's land office, and if so, did you see any resistance made by any of the raiders against any ministerial officer, peace officers, city marshal, United States marshal, in the discharge of their duties?

1st A. I did not.

2d Q. Do you believe there ever did exist the necessity of

United States troops to be stationed on the Neutral Lands, and if so, whether that necessity still exists?

2d A. I think there never has been any such necessity.

J. W. HIGHTOWER.

John A. Stephenson, who, being first duly sworn, deposeth and saith:

I live in Checo, Cherokee county, Kansas; am forty-five years old; my occupation is that of a farmer; have lived on the Neutral Lands over three years.

By J. T. Burris:

1st Q. Do you know of any acts of violence, or threats of violence, by any portion of the people of the Neutral Lands against the railroad company, or any of its employees or its friends?

1st A. I have had a contract for getting out railroad ties; I have been asked to suspend the work or abide the consequences by two different committees of the League—first a committee of one, then of three.

2d Q. Did they state by whose order or authority they were acting?

2d A. They said that they were acting by order of the League; they told me that the assessors or county commissioners would not assess damage in this county as they had done in Crawford county, because people were all turned out in this county to getting out ties; that was the reason they gave me for having the work stopped.

By J. H. Snead:

3d Q. Do you know of any railroad ties burnt in this county?

3d A. I do; I saw some burning, but do not know who burned them.

4th Q. At what time did you receive the notification to quit making ties?

4th A. I have kept no account, but think it was in August or September, 1869; it was before the troops came.

5th Q. How many ties had you made at that time; did

you make any after that time, and if so how many, and whose land were these ties made upon, and did you have any ties burned?

5th A. I had about four thousand; I made some after that time; we are making ties yet; in all about twenty thousand; they were made on forty or fifty different men's land on what is called the Neutral Lands; I had but a very few ties burned, not to exceed twenty.

JOHN A. STEPHENSON.

J. E. Williams, who being first duly sworn, deposeth and saith:

I am twenty-eight years old; I live in Baxter Springs; my occupation is that of a merchant, and am postmaster of this place.

By J. H. Snead:

1st Q. Were you present at a meeting in this county held at Columbus, held there about April, 1869, and did you see Senator Voss there, and if so was he driven away, and if so by whom, and did officer Seright make any attempt to make the arrest of any person or persons, or call upon the citizens to assist him in making arrests?

1st A. I was there at the meeting, and saw Senator Voss at said meeting; I do not think that he was driven away, but that he left from the advice of his friends, under the supposition that there would be danger to him personally if he staid and spoke at said meeting, as was intended; Mr. Seright did not make any attempt to arrest anybody; I was on the ground almost all the time, nor did he call upon any citizens.

2d Q. Did you see or hear any pistol discharged, or stones thrown?

2d A. I saw a pistol shot up in the air, but think it was turned in another direction from Voss. There was also some tufts of grass and some stones thrown towards Voss, but he was so far off that there was no man in the county could have hit him from where they were; there was one boy agoing to throw, but I caught his hand. Mr. Voss retreated in great haste and appeared to be very much demoralized.

3d Q. Do you think there ever existed the necessity for United States troops to be stationed on the Neutral Lands to protect the railroad company, or its employees or property, and do you believe the civil law could be enforced on the Neutral Lands?

3d A. I do not think there has ever been a necessity for troops in the Neutral Lands, but do think that a good, efficient county sheriff could have made all the arrests required by law, and rendered all the protection necessary for the railroad company, its employees and property.

J. E. WILLIAMS, P. M.

J. W. Davis, who being first duly examined and sworn according to law, deposeth and saith :

I am 52 years old ; I reside in Baxter Springs ; am by occupation a lawyer ; I have lived in Cherokee county since November, 1868.

By J. T. Burris :

1st Q. Do you know of any acts of violence or threats of violence being made by any portion of the people of this county against the railroad company, or any of its employees or property ?

1st A. I have heard threats made hypothetically against the building of the railroad through this county, or in other words, I have heard say that Mr. Joy could not build his railroad through this county until this land question was settled with the settlers. I know of no violence being committed on Mr. Joy, or his railroad employees.

2d Q. Do you know of any railroad employee, or agent of the railroad company or Mr. Joy, being forcibly driven from their home or place of business by citizens of this county ?

2d A. I don't, from my own personal knowledge.

3d Q. Were you forcibly driven from Columbus, in this county, by the so-called Land Leaguers, in the spring or summer of 1869 ?

3d A. Yes sir! I was so driven by persons so styling themselves Land Leaguers, and know them to be Land Leaguers.

4th Q. Why were you thus driven from Columbus by Land Leaguers, in the spring of 1869?

J. W. DAVIS.

[Here the witness wanted to make so much of an explanation that the committee could not wait; the witness insisted vehemently that we should proceed to take his testimony.—JOHN K. WRIGHT, *Secretary of Committee.*]

Committee adjourned at Baxter Springs, and went to Columbus at 3 P. M., February 11.

John Runk, jr., who being first duly sworn according to law, deposeth and saith:

I am thirty-five years old; by occupation, a civil engineer; live at Fort Scott, Kansas.

By J. T. Burris:

1st Q. Do you know of any acts of violence, or threats of violence, having been committed or made against the Missouri River, Fort Scott & Gulf Railroad Company, or any of its contractors or employees on the Cherokee Neutral Lands, in the year of 1869, prior to the arrival of United States troops?

1st A. I do; on or about the 29th day of April, 1869, I was directed to make a rapid survey through the Neutral Lands; we had accomplished our purpose, and on our return from our camp at the head of Cow Creek, we were overtaken and surrounded by twelve or fifteen armed persons, who demanded our surrender, and the turning over of our camp equipage, books, papers and instruments, including private property and everything pertaining to the railroad company, which property they made a bonfire of, unless it was our books, which I think they said they wanted to keep for

future reference; during the burning of the property, they surrounded the members of our party—the subordinates—inquired of them if they were in the employ of the railroad company, and who their officers were, and upon a deliberation amongst themselves, announced to the employees that they should leave the Neutral Lands and never show their faces thereon again, under the penalty of death; the employees subscribed to that situation, and left; as for myself and J. A. J. Chapman, they said they would attend to our cases; they directed us to mount our horses, and they then marched us off in a southeasterly direction from the place where they arrested us, for the distance of three or four miles; we were then joined by an acquisition of forces, amounting in all to about twenty persons; we were ordered to halt, and after a consultation they directed us to proceed in the direction we were going; after traveling about two miles, we were joined by three or four more; on the arrival of the third party, we had orders to halt and dismount; they placed a guard over us, and directed us to remain until they had a consultation; they held a “squatters’ court,” after which they announced that they were ready to dispose of us—that they would give us what we deserved; the sentence was that we should receive five lashes from each member of the court; they said if it had not been for one man, they would have hung us; they blindfolded us, took off our coats, and proceeded to apply the lash to Chapman first; some one hallooed to “give the other one some!” so they changed on to me; they gave us fifteen lashes apiece; some one in the crowd announced that that would do, and directed their force to go on; they then took the blindfolds off from us, and with pistols aimed at us, directed us to leave without saying a word, and never show our faces on the Neutral Lands again, under the penalty of death, which we did.

2d Q. What was the property of the surveying party which was burned and destroyed?

2d A. All of the instruments we had, camp equipages, including tents, blankets, camping chest and stores, and one wagon; the wagon was in the employ of the railroad company, but belonged to a citizen; the instruments, tents and

commissary stores belonged to the railroad company; the blankets belonged to individual members of the engineer corps.

By Amos Sanford:

3d Q. Did you ever make any attempt to have the men arrested and prosecuted according to law?

3d A. Personally, I have not.

4th Q. Did you in any other way?

4th A. I recommended it to the officers of the railroad company.

5th Q. Do you know of the railroad employees going on the Neutral Lands armed and equipped?

5th A. I never saw any on the Neutral Lands as the employee of the company who was armed.

By J. H. Snead:

6th Q. Do you know any of the party that arrested and maltreated you?

6th A. I do not.

7th Q. Did they say who they were?

7th A. They announced themselves as a committee of citizens of Cherokee county, and perhaps they included Crawford county.

8th Q. Did you or did you not recognize any citizens from Fort Scott?

8th A. I did not.

By A. Sanford:

9th Q. In what county did this happen?

9th A. In Crawford county.

By J. H. Snead:

10th Q. Could they have been citizens of Bourbon county and you not have known them?

10th A. I am well acquainted in Bourbon county, and don't think you could get that many citizens together without I would know some of them.

JOHN RUNK, JR.

Chas. E. McLaughlin, who being first solemnly sworn according to law, deposeth and saith:

I am twenty-five years old; I am a railroad man, and live in Fort Scott.

By J. T. Burris:

1st Q. Were you present with the party of engineers under J. A. J. Chapman and John Runk, on the line of the railroad in the Neutral Lands, when they were arrested in April, 1869?

1st A. Yes, sir; I was.

2d Q. Who arrested the party, and what did they do?

2d A. We were arrested by a party of twelve or fourteen persons, who ordered us to halt, and then proceeded to burn our wagons, blankets and instruments, after which they ordered us to leave the Neutral Lands and never enter them again, in the employ of the railroad company, under the penalty of death; they took Chapman and Runk south, and ordered us to leave, which we did.

3d Q. Do you know any of the parties who arrested you, and were they armed?

3d A. I do not know the parties; they were armed—some with one revolver and some with two.

By Amos Sanford:

4th Q. Were you armed?

4th A. We were not.

5th Q. Have you been with the railroad engineers surveying through the Neutral Lands since that time?

5th A. I have; until the twenty-fifth of November, 1869.

6th Q. Do you know of the railroad employees being armed since that time, and if so, how, and how many of them?

6th A. Yes, sir; some of them have had pistols and carbines; perhaps ten or twelve of the party were so armed.

7th Q. Were not the hands on the railroad armed and entrenched?

7th A. About the hands, I cannot say as for that.

8th Q. Do you know Henry Richards?

8th A. Yes, sir, I do.

9th Q. Was he not required to carry and use a gun, and stand guard occasionally at night?

9th A. As far as carrying and using a gun he asked for a gun, and was required to stand guard at night.

10th Q. Who furnished him a gun?

10th A. I can't say, but think it was the railroad company.

11th Q. Was not your party entrenched, and were not earthworks thrown up to protect the party from Leaguers?

11th A. Yes, sir; we threw up an embankment at one time.

12th Q. How many railroad employees were there all together who occupied the fort, and where were the troops?

12th A. There was no railroad employees occupied this fort, or whatever he calls it, and the troops were camped about seventy-five rods to the southeast of it.

13th Q. Did you ever attempt to ascertain the names, and have the party who arrested you prosecuted in the courts?

13th A. No, sir; I did not; I don't know their names, and it was not my business to attempt to have them prosecuted, at least I do not consider it such.

14th Q. Do you know of any of the party making a complaint before any civil officer?

14th A. I do not.

15th Q. Was not the district court of Crawford county in session at that time?

15th A. I heard it was but could not swear to it.

CHARLES E. MCLAUGHLIN.

Mr. T. H. Annable, being duly sworn according to law, deposeth and saith:

1st Q. Is this statement which you present to the Committee correct?

1st A. To the best of my knowledge it is.

T. H. ANNABLE.

James M. Harvey, who being first duly sworn, according to law, deposeth and saith:

I am thirty-seven years old; my occupation is that of a farmer.

By Amos Sanford:

1st Q. For what purpose were United States troops stationed upon the Cherokee Neutral Lands, in 1869?

1st A. For the preservation of peace and protection of persons and property.

2d Q. By whose orders were they sent there, and upon whose application?

2d A. They were sent there by the President of the United States upon my application; the order coming through the commanding general of the department, General J. M. Schofield.

3d Q. What evidence did you have, if any, that the execution of the civil law was successfully resisted, and that the civil officers were prevented from performing their duties?

3d A. I had the testimony of many citizens of the counties of Cherokee and Crawford, numbers of the civil officers, and especially certificates of the sheriffs of the two counties.

4th Q. In what form was the evidence presented by citizens and officers other than the certificates of the sheriffs?

4th A. In various ways; some by personal verbal representation; some by letters and petitions, and by affidavit.

5th Q. Did any of them show when a ministerial officer had been resisted while attempting to serve any process, or a judicial officer prevented from performing his duty, in any instance, and if so, when and where was it?

5th A. I don't remember all the circumstances set forth, either verbal or in writing, but there is a great mass of written evidence here which will be presented to the Committee, setting forth the situation there, and representing the civil officers as being overawed by forces too strong for them to resist, and declaring their inability to perform their official functions.

6th Q. What officers, if any, were specified?

6th A. I remember more particularly the sheriffs of the counties.

7th Q. When were the certificates of the sheriffs received, and by whom were they presented?

7th A. I don't remember definitely the time, but it was in the month of May, 1869. They came through the mail.

8th Q. Were they both enclosed in one envelope, and where was it mailed?

8th A. I don't remember.

9th Q. When was the proclamation issued to the people of these counties, and at what time was the application made for United States troops?

9th A. The proclamation, I believe, was issued on the 31st of May, the application about the same time, the latter part of May.

10th Q. Why was it that an application for troops was made before it was known whether or not the people of these counties would obey the injunctions contained in the proclamation?

10th A. Because a violent controversy was being carried on in those counties; outrages were of frequent occurrence; the civil officers had certified their inability to protect persons and property. I knew that it would be sometime before the application could be responded to, and the troops brought there, and that if in the mean time their presence had been rendered unnecessary, they could have been sent elsewhere.

11th Q. Has any complaint of outrages been made to your office since the 31st day of May, 1869, and have you any evidence that any of the citizens have at any time refused to comply with injunctions contained in your proclamation?

11th A. There have been complaints received since that date, but I cannot remember the exact date of the time the acts were committed; as I stated before, I cannot remember the date of the outrages; there have been no outrages since the troops have been sent there, that I have heard of.

12th Q. Were any of the parties who made verbal complaints to you in any way connected with the Missouri River, Fort Scott & Gulf Railroad Company, or Mr. Joy's land office at Fort Scott; and if so, who were they?

12th A. I think that some of the parties were connected with that railroad company ; Col. Johnson, of Johnson county, spoke to me once about it, and Col. Coats, of Kansas city; they are the only parties that I recollect of, except citizens of the Neutral Lands.

13th Q. Who were the citizens you refer to, and where do they reside ?

13th A. I cannot remember the names of them, but there has been numerous representations made all through the spring and early part of the summer.

14th Q. Why did you not call out the militia to execute the laws, instead of making application for United States troops ?

14th A. Because it would have involved the State in a great expense, and might have led to very unpleasant complications, for the reason that the controversy involved the question of title to a large tract of lands, both the parties claiming to have title from different departments of the United States government; the question being susceptible of settlement only by the United States authorities, I deemed it proper to ask that the military representatives of the government be sent there for the preservation of the peace, and the protection of persons and property, until the question at issue could be settled by the proper authority.

15th Q. What is the proper authority for deciding the question at issue ?

15th A. That is not my province to determine ; I am not a judicial officer.

16th Q. At the time your application was made for troops, could the legislature of this State have been convened ?

16th A. I do not know ; I did not try ; I presume it could ; I did not deem it necessary.

17th Q. State whether or not a large number of citizens of Crawford and Cherokee counties petitioned the Governor of Kansas, asking him to convene the Legislature by proclamation, for the purpose of considering the matter, taking such action as might be necessary in the premises; and if so,

whether or not you refused to convene the legislature, and why you refused?

17th A. Last fall a petition was handed to me from some of the citizens of those counties, asking that I convene the legislature to take this matter into consideration; I refused to call a special session for that purpose, telling the bearer of the petition that the time would soon arrive for the annual session, when I would lay before the legislature, in my message, all that I had done and my reasons therefor.

18th Q. Did not the bearer of that petition, at the same time present a petition from the citizens of Cherokee county, praying that a company of United States troops be stationed at Baxter Springs, to prevent the importation of Texas cattle into the county in violation of the laws of the State; and if so, what action was had thereon.

18th A. I do not remember whether he presented such a petition or not; I remember that he talked vaguely about violations of law in relation to Texas cattle, selling liquor and some other matters.

19th Q. Do you not remember of telling Mr. Laughlin that the Texas cattle law was a good one, and that the people should resort to the courts to procure its enforcement?

19th A. I don't remember of telling him that, but think it very likely I did.

20th Q. Were you not informed by other civil officers of Crawford and Cherokee counties by letter, that the representations of the sheriffs were untrue, soon after the proclamation was published?

20th A. I believe that there were letters from at least one other civil officer of Cherokee county to that effect, but that letter contained statements which seemed entirely incompatible with his denial of the sheriffs' statements; there may have been letters from other civil officers, denying the truth of the statements made by the sheriffs. I don't remember definitely whether there were others or not.

21st Q. Have you not since the second Tuesday in January, 1870, received from the sheriffs of those two counties, certificates to the effect that they are able to enforce the law, without the aid of any military force?

21st A. I have received statements from those two sheriffs, of something like that purport, I do not remember the exact terms of the certificates; I noticed a remarkable similarity of the certificates, about the only difference being that the autography of one being a little better than the other.

22d Q. Why then are troops still retained there?

22d A. Because, as I stated in my annual message, the controversy that led to to the outrages, making their presence necessary is still unsettled, and I deem their presence conducive to the peace and prosperity of that portion of the State.

23d Q. What have the troops been called upon to do since they were stationed upon the Neutral Lands, and what are the instructions given to the commanding officer.

23d A. I do not know whether they have been called upon to do anything, I think their presence obviates the necessity for any action on their part, I have never seen the instructions given to the commanding officer, but I requested that instructions be given him to take no part in the controversy as to title, but to assist the civil authorities to maintain the peace and protect persons and property; General Schofield told me that such instructions were given; Mr. Clarke, member of Congress from this State, told me that when he was down there last fall he saw the instructions, and that they were to that effect.

24th Q. Do you not know that General W. B. Hazen, commander of the troops, has taken an active part in the controversy through the public press?

24th A. General Hazen was not sent there with those troops, he was, as I understand it, the commander of the military district within which the troops belonged; in regard to his course concerning the matter of the controversy I know nothing except that last fall he sent me a letter requesting me to visit the Neutral Lands and address the people there concerning this controversy; his letter was published, I know not by whose authority, it was not by mine; the letter which I received from him is on file in this office and will be laid before the Committee, together with my reply.

25th Q. Do you not know that the troops have been stationed along the railroad line, under orders issued by General

Hazen, and that they have been used solely in the interest of the railroad company, who claimed title to the Cherokee Neutral Lands, through a sale made by the Secretary of Interior to James F. Joy, and a conveyance from Mr. Joy to said railroad company.

25th A. No, sir; I only know that the troops were sent there for the preservation of the peace and the protection of persons and property, and their presence secures these objects.

26th Q. How do you know that their presence secures these objects?

26th A. From the concurrent testimony of numerous parties to both sides of the controversy.

By J. T. Burris:

27th Q. Was the petition of a portion of the citizens of Crawford and Cherokee counties for the convening of the legislature in special session presented to you before or after the arrival of troops in those counties?

27th A. It was after the arrival of troops.

28th Q. Who presented that petition?

28th A. Mr. Laughlin, of Cherokee county.

29th Q. Was any statement made by Mr. Laughlin concerning any acts of lawlessness having been perpetrated by any portion of the people of those counties?

29th A. He said that there had been some acts of lawlessness; he likened it to the throwing the tea into Boston Harbor at the beginning of the revolution, was the comparison he made; he admitted that various acts which I cited to him had been committed.

30th Q. Who was the civil officer of whom you have already spoken, who wrote you a letter denying the statements of the sheriffs of those counties as to the inability of the civil officers to enforce the law and preserve the peace?

30th A. It was Amos Sanford, probate judge of Cherokee county.

31st Q. Have you in your possession or under your control the petitions, letters, copy of answers thereto, certificates of sheriffs and endorsements thereon to which you have testified?

31st A. I have.

JAMES M. HARVEY.

DOCUMENTS RELATIVE TO THE TESTIMONY OF GOVERNOR HARVEY.

GIRARD, CRAWFORD COUNTY, KANSAS.

To His Excellency J. M. Harvey, Governor of Kansas :

We, the undersigned, citizens of Girard and Crawford county, being convinced that the proper execution of the laws in our county is impeded, and in many instances entirely prevented by armed bands of lawless men, who are jeopardizing the lives of our county officers when in the discharge of their duties, would respectfully ask of Your Excellency such aid and protection as may be deemed advisable, but would urge upon you that some military force be sent here to aid our civil officers. These bands, which are distributed through Crawford and Cherokee counties, number some thousand men, and are thoroughly armed and organized, and avow their determination to openly resist the execution of any civil process. The necessity is great and urgent, and we would respectfully request your prompt action, as these men are loud in their determination to persist in their conduct.

THOMAS PAINTON,

And sixteen others.

PETITION

To His Excellency James M. Harvey, Governor of the State of Kansas :

We, the citizens of Baxter Springs, and the peaceable and well-disposed settlers on the Neutral Lands, hereby represent that a state of affairs exists on the Neutral Lands that is truly alarming, viz: There is a large body of men banded together by the strongest oaths—a secret society, called the Land League; they have a thorough and complete military organization; they are arming themselves, and drilling in open day, and collecting all the arms and munitions of war they can find in the county; they are sworn to execute the orders of their officers, beyond the civil law, and are driving out citizens who proved up title to lands under Mr. Joy, and all who will not join their League; they are roaming the county over at night, in armed bands, exiling persons; also, the officers of the law, as in the case of the deputy county clerk, Davis, a very peaceable and quiet citizen; they threaten daily to burn the town of Baxter Springs, a town of nearly two thousand inhabitants; not over a month ago, they made their appearance in our streets about daylight, numbering about two hundred armed men, demanded the books and papers of Mr. Joy's office, threatened the demolition of the printing office of this place unless it changed its tone favorable to their interests; the officers of the law are paralyzed, and are living in bodily fear; justice is set at nought; the citizens are afraid to sleep in their houses at night; immigrants are deterred from locating in the county; business is stagnant; people are afraid to make investments or improvements; complete terrorism pervades the community, and the leaders of the League commit overt acts with perfect impunity, without fear of punishment from the law; the citizens of Baxter Springs, for the last six weeks, have been forced to arm themselves, and keep a patrol on the streets and outposts of the town nightly, to prevent an invasion. Furthermore, we think that ere long, if there is not some steps taken by the State authorities to quell these disturbances of the peace, that a collision will take place that will result in much bloodshed.

Now, therefore, we pray Your Excellency that you will use such means as your judgment and wisdom shall dictate, as will better insure the citizens of this county in the quiet enjoyment of the blessings of peace in the homes of their adoption, and for which your petitioners will ever pray.

W. M. MATHENY,
Mayor of Baxter Springs,

And one hundred and six others.

STATE OF KANSAS, }
 CHEROKEE COUNTY. } ss

On this 25th day of March, A. D. 1869, personally came before me, Henry S. Sumner, a justice of the peace in and for the county aforesaid, Wm. B. Shockley, clerk of the district court of Cherokee county, and on oath says: That, on the 10th day of February, A. D. 1869, he was arrested in the city of Baxter Springs, by an armed body of men, numbering two hundred and twelve, which body of men styled themselves the Cherokee Neutral Land League, under the command of Wm. A. Graham, of Shawnee township, Cherokee county; that, at the time of said arrest, he was menaced and assaulted by this band of men, with pistols cocked and held in their hands presented at his head and breast, and at the same time they threatened to execute said Shockley, or, as they termed it, to hang him if he, as a ministerial officer under the laws, administered oaths to persons, settlers on the Cherokee Neutral Lands, who desired to make affidavits of their settlement on said lands, according to the published terms of James F. Joy; that they threatened to carry out their intentions and execution if he did not promise to desist from carrying on the functions of his office in relation to the making of the affidavits aforesaid; that, at the same time, this band arrested John T. Cox, jr., who had charge of Joy's land office, making the same threats, and, while holding him under arrest, gave him ten minutes to give up to them the plats and papers of the

land office, or they would hang him; also, arresting G. Van Winkle, son of ex-Senator Van Winkle, of West Virginia, threatening to hang said Van Winkle and break open the safe of his banking house, if he did not immediately give up to them the papers and plats of the land office deposited in his safe; that since said tenth day of February and up to the present time, said Land League are in a state of quasi military organization, drilling every week to the number of four hundred; and that they avow and declare their purpose to arrest said Shockley, clerk as aforesaid, and divers other citizens of Baxter Springs, and lynch them, for the reason that they do not sympathize and give aid to their lawless intentions.

W. B. SHOCKLEY,

Clerk District Court, Cherokee County, Kansas.

Subscribed and sworn to before me this 25th day of March,
A. D. 1869. HENRY T. SUMNER,

HENRY T. SUMNER,

Justice of the Peace, Cherokee County, Kansas.

FORT SCOTT, KANSAS, May 1st, 1869.

His Excellency, Hon. James M. Harvey, Topeka, Kansas :

DEAR SIR: Permit me to introduce to your acquaintance and favorable consideration F. M. Shaw, Esq., the bearer hereof. Mr. Shaw was formerly a resident of the State of Iowa, and now in this State intending to make the same his permanent home. He is a gentleman upon whose fidelity and integrity you can implicitly rely. Mr. Shaw, in company with myself and others, have been for the last week traveling over the Joy purchase of the Cherokee Neutral Lands. He will give you the facts in the matter of the disturbance on those lands so far as the same came to his knowledge.

I may be permitted to add that there are now nearly four hundred men in those two counties (Crawford and Cherokee) who belong to a secret organization, purely military in its character, and the civil authorities are powerless to arrest them or to maintain the laws. Day before yesterday they seized the railroad surveyors, personally maltreated them and

burned all their surveying implements and all their property except the clothing of the men. All men who differ with them in opinion or threaten to expose them are made the object of their vengeance. I am well convinced that it will be your imperative duty to interfere in this matter by the military, and the sooner it is done the less cost and bloodshed will be saved—if permitted to go on it may, and doubtless will be quelled only at great sacrifice of life and treasury. “Nip it in the bud” is the proper remedy.

Very respectfully, yours,

M. V. VOSS.

BAXTER SPRINGS, May 17th, 1869.

His Excellency, Governor Harvey :

I beg leave, once more, to call your attention to the continued outrages being committed by the “Land League,” of this county. A short time since they burned four hundred railroad ties, drove back the engineers surveying the line of the Missouri River, Fort Scott & Gulf Railroad, burned their wagon and camp equipage, and destroyed their instruments, etc., etc. Civil law is set at defiance; the sheriff is unable to execute the law. The law abiding citizens of this county respectfully ask that you at once inaugurate such measures that will restore law and order in our midst.

Respectfully Yours,

GEO. J. WEAVER, and others.

To His Excellency, J. M. Harvey, Governor of Kansas :

The undersigned citizens of Cherokee county would represent and show unto Your Excellency, that by the frequent violations of the law committed in said county, by an armed and overwhelming force of the number of several hundred, the officers of the law are unable to preserve the public peace, or execute writs for the arrest of the violators thereof; that this state of affairs has continued for the space of two months last past, and that it is becoming stronger and more open and

belligerent every day, that this force is known by the name of the Cherokee Neutral Land League, that they have published in their meetings, that they would not be arrested for any violations they have or may commit; that they have driven from the county many citizens by acts of violence committed upon their persons and property, that they have taken the control of affairs into their hands outside of the law, and by threats, deter peaceably disposed persons from informing the authorities of the law; that they have seized the books and papers of the county treasurer on the 14th inst., declaring that no land shall be assessed in the name of James F. Joy; that they arrested, on the 27th ult., a party of engineers, burnt their equipage and instruments, ordered them away from the Neutral Lands, and threatened to hang them if again found upon it.

We would represent that the officers of the law are powerless, and cannot check these outrages; that the public sentiment of law and order is overawed, and forced to remain silent; that the people who are opposed to them live in constant fear and dread, and are threatened by them with punishment if they strive to give aid or information against them.

We, therefore, as law and order citizens of Cherokee county request Your Excellency to order to the aid of the civil authority such military force as Your Excellency may deem necessary and will ever remain so.

May 17th, 1869.

H. J. SUMNER, and nine others.

STATE OF KANSAS, }
 CHEROKEE COUNTY. } ss.

I, William G. Seright, sheriff of Cherokee county, do hereby certify and represent to His Excellency, J. M. Harvey, Governor of the State of Kansas, that by reason of a combined and overwhelming force of persons banded together in a quasi military organization, that I am unable to execute the law in Cherokee county, or execute writs that may be placed in my hands for the arrest of the violators of the law. I would show unto

His Excellency that this force of men are known as the Cherokee Neutral Land League; that said League is composed of five hundred men or more in this county; that they publicly proclaim that they will not be arrested by the civil authority for any acts committed by them, or to be committed by them hereafter; that members of this League have arrested a party of engineers engaged in surveying a line of railroad through the county, burning their wagons and equipage, and destroying their scientific instruments, that they have burned and destroyed private property belonging to citizens of Cherokee county, for the reason that it was to be used in the construction of a railroad through said county, that they have repeatedly ordered away and driven by force from the county peaceable citizens, and that by reason of their numbers and organization into lodges and companies they are exercising a reign of terror over the citizens of the entire county, forcing them to aid them or remain silent and inert. I, therefore, most respectfully request His Excellency, in consideration of the premises, to give me the aid of such military force as your Excellency may deem proper to order to my assistance to preserve the public peace and execute the mandates of the law in my county.

Given under my hand at the sheriff's office' this 17th day of May, A. D., 1869.

WILLIAM G. SERIGHT,
Sheriff of Cherokee county, Kansas.

CRAWFORD COUNTY, May 18th, 1869.

To His Excellency Governor James M. Harvey, Topeka, Kas.:

DEAR SIR: As armed resistance is offered to the serving of civil process in this county, and as private property and persons are endangered by bands of lawless men, I, as sheriff of this county, would call upon Your Excellency to furnish a suitable force of military to enable me to enforce my writs. They avow their determination to resist all efforts to suppress their outrages upon the settlers and others, and as their bold-

ness increases day by day, I would call upon you to act with your usual celerity in the matter.

J. M. RYAN,
Sheriff, Crawford County, Kansas.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
TOPEKA, June 12th, 1869. }

James F. Joy, Esq. :

DEAR SIR: A prominent gentleman from Cherokee county, in this State, has just been here to see me concerning the troubles on the Neutral Lands. He desired me to write to you, stating that the settlers are willing and anxious to go into the United States courts for the settlement of the controversy concerning the title to the lands there. He represents that the institution of legal proceedings would allay excitement, and that the building of the railroad would be favored instead of being opposed. Having seen a published letter of yours in which a willingness is expressed to afford every facility for testing the matter in the courts, they express a desire to do all that they can to bring about a peaceful and quiet solution of the difficulty.

Respectfully yours, etc.,
JAMES M. HARVEY.

COLUMBUS, KANSAS, June 12, 1869.

To His Excellency, James M. Harvey, Governor State of Kansas:

DEAR GOVERNOR: I have the honor to submit for your consideration a statement of facts respecting this (Cherokee) county. I came to this county and settled at Baxter Springs, May 2, 1868, with a view to engage in the practice of the law. Last November I was elected probate judge of the county on the same ticket with your Excellency, by the handsome majority of 635. I continued to reside at Baxter Springs, with my family, until the second of March last, when I removed my office to this place, in obedience to the order and proclamation of our county commissioners—one of whom, M. Reb-

stein, resides in Baxter—made on the 20th of February last, after canvassing the vote upon the question of the removal of the county seat, taken on the 16th of the same month. All the county officers did the same and recognized this place as the county seat, except Wm. B. Shockley, district clerk, who still remained at Baxter—several citizens of that place, acting under the advice of John E. McKeighan, an attorney, having executed a bond of indemnity to said Shockley. The last term of our district court was held here, judge D. P. Lowe presiding. W. B. Shockley, clerk, appeared, with the records of the court, and attended to his duties during the session. Previous to this time the county attorney, J. N. Ritter, had instituted suit against Mr. Shockley and his sureties, to recover the penalty of five dollars per day, from the expiration of the twenty days allowed for the removal, under the 9th section of chapter 26, page 298, general statutes. The case was not tried, but continued. Mr. S. was here. We could not, for that reason, sustain a mandamus to compel him to remove to this place. No sooner had the court adjourned *sine die*, and the records were made up and signed by the Judge, than Mr. Shockley commenced packing up the books and papers preparatory to taking them back to Baxter Springs. He remarked that this was the last time we would see him in this court, unless it would be as a criminal. I remarked, jokingly, that from the call of the docket he would be “in court” at next term. The county attorney, in the same mood, remarked that if he removed his office back to Baxter, he might be in the next court as a criminal, meaning that he (S.) was laying himself liable to a criminal prosecution for misconduct in office, which he (S.) understood. He at once got angry and made the remark, “If I am, some of you fellows will sweat blood.” He went to Baxter and, with the sheriff, has remained there ever since. I make this statement to show you who it is that represents the “authorities” of this county in representing this county as opposed to the execution of the law. I know it has been difficult to enforce the law in its spirit and letter ever since I have been here. There are numerous open violations of law that go unrebuked by some leading, influential men; but the worst and most outrageous violations have been in the city of Baxter Springs.

1st. Nearly every business house in Baxter sells, or has until recently, sold liquor, openly and publicly, to Indians as well as whites; minors, as well as adults; Sundays, as well as other days, without license, and against the laws, not only of Kansas, but the United States. The trouble has been to get any person to give information. I could not, for I never have drank a glass of liquor in the State, and those who imbibe refuse to make an affidavit.

2d. Soon after I came there, in May, 1868, they were voting upon the county seat question. I was urged to vote, and they were inclined to charge me with being a "Centre man," when I told them that I would not vote, because I was not a voter, not having resided in the State six months. They asserted continually, and induced men to believe, that there was no penalty for casting an illegal vote, unless a man was "challenged," in which case he would be liable for perjury, in case he swore false. And even as to residence in the State, the judges of election held, that if a man intended to come to Kansas six months before the time he offered to vote, he was a voter under the law. Baxter gained the county seat at that time through fraud. This enraged the people in the county, and there was a renewal of the ill-feeling, that I am told had previously existed between the "city" and country. Last fall in the campaign I took a position squarely against illegal voting, and although a Baxter man I was ever ready to submit to the will of a majority. This, they said all over the county, was all they asked. If Baxter gained it by a fair vote they were willing to submit. The presidential vote of the Spring Valley township, (including the city,) was 434 votes, the whole county, 1,358. The people began to count noses and a move was made to have another vote upon this question. A portion of the township would vote for Columbus, and the balance of the county would go solid against Baxter. The requisite petition was presented, and the vote taken. It was emphatically a people's movement. They dared not trust any lawyer in Baxter, although some did say they thought I was honest and would not sustain Baxter in another fraudulent vote.

Previous to the vote being taken, on the 10th day of Feb-

ruary, the Leaguers, as they are called, came into town, before I got up to my office, for the purpose of breaking up Mr. Joy's office. They done what they did and retired before I had any chance to see them, it being early in the morning, though after daylight. When I arrived at my office, I found a general alarm among the people, and a perfect reign of terror existing. Major H. T. Sumner, a lawyer and justice of the peace, came to me with a gun on his shoulder, and asked me, rather too authoritatively, I thought, to go over to Mr. Blood's store, get a gun, and go out on the square, where the citizens were forming into companies. I declined, stating that I was not subject to military duty, having been wounded in the service, and now drawing a pension; and another thing, I had my life insured, and if we should get into an engagement and I should lose my life, the companies would be under no obligation to pay my wife the sum for which I was insured. I stated, also, that I did not fear a return of the League, and that I did not believe they intended to injure any citizen of Baxter. I also suggested that he was not following the course pointed out by the law for a peace officer; questioned his authority to call out men and put them under arms; advised him to get some one who could to make an affidavit before him, then issue his warrant, and place the same into the hands of the sheriff, for the arrest of all persons who had violated the law, at the same time tendering my services to aid the county attorney in the prosecution. But this was all to no purpose; no affidavits were made, and no warrants issued, and this same Sumner charged me, in his talk about town, with being a Leaguer, and my name was on everybody's tongue before night, and I was told that they threatened to hang me.

I remained quietly in my office while they mustered and formed three companies, elected officers, the captain of one of which was a rebel officer in John Morgan's command, and I saw several ex-rebels carrying arms in violation of the law of this State, (section 282, page 378, general statutes.) Such was the feeling against me through the false statements of Sumner and others, notwithstanding I met Sumner in the drug store and compelled him to admit that I had said nothing

to him in justification of the League. I was led to believe that it was not best to be "around town" much, and so I stayed in my office and attended strictly to my duties.

On the 16th of February I went to the polls and voted "for the county seat, Baxter Springs." After the polls were closed I met one of the judges and one of the clerks in the postoffice, asked them how the vote stood; they informed me that I would know when they made the return and not before. I was unable to find out how it stood until the 20th, when the county commissioners met and canvassed the returns. Baxter Springs, or rather Spring Valley township, stood as follows: For Columbus, 31; For Baxter Springs, 1,045; total, 1,076; at least six hundred of which are fraudulent, and it was openly justified by leading men in Baxter. A majority of thirty-two however, was given for this place. Our county paper, published at Baxter, Cherokee Sentinel, has published all sorts of lies in regard to the "settlers" up to the present time, and even had an editorial stating that that they are "reliably informed that Sanford is telling the people that the Governor has not issued any proclamation, but that it was gotten up by the railroad company." Of course, it is unnecessary for me to say that this last statement is entirely without foundation. If ever any class of people were abused, villified and ill-treated, it is the loyal settlers upon the Cherokee Neutral Lands. They have suffered deep wrongs. Is it any wonder that they should feel a little angry? That they have resisted the railroad company is true, as I believe they have a natural and legal right to do. The railroad company claims to own the land. They are seeking to take forcible possession under the pretext of building a railroad. We have a right to use just so much force as is necessary to prevent it and no more. If they want possession let them commence a suit against one of us and try the title legally. We have no case to commence, because we are in possession. We are ready and anxious to try Mr. Joy's title to the land, and he can commence as soon as he sees fit. I reside upon and have in my possession the northeast quarter of section nineteen, township thirty-three south, range twenty-three east, and I intend to have a title from the gov-

ernment of the United States, or know the reason why. The government never authorized the sale to Mr. Joy. When Congress confirms Mr. Joy's title, or the United States supreme court decides adversely to me, I will of course surrender. Is there anything like lawlessness in this position? If not, then there are few lawless men on this land more than those I have above referred to. No man has been hung on the Neutral Lands by the "League," and no man has been driven out of the country because he has "proved up" under Mr. Joy. I do not belong to the League, never did, am not advocating lawless conduct; but I am standing up for my rights and the rights of my poor neighbors against this most infamous swindle.

If the railroad company will agree not to open an office for the sale of these lands until the question is settled by Congress or the courts, and that in case of a suit they will not claim that they have possession by virtue of their road running through it; I do not believe that there is a man on the Neutral Lands who would object to the road or obstruct the engineers. But they say we have no rights, we are trespassers, and they refuse to consult our wishes in any respect whatever. But I am told that others have written you, and I will forbear. Let me assure you, Governor, that I am emphatically in favor of law and order, and will do everything for "peace" except to surrender principle. There is no use to talk of compromise with Joy as the Hon. P. McVicar suggested when here. If he would sell us our farms at \$1.25 per acre it would not be accepted by the settlers, because there is a principle involved. Joy has no title. The exclusive power to dispose of the public land belongs to Congress under the constitution, and until the government, by an act of Congress, disposes of this land, the title rests in the United States, and we have a right to settle here, and it is not fair nor just to call us "trespassers," at least until the claimant establishes a paramount title in the courts.

I am, Governor,

Very respectfully,

Your obedient servant

AMOS SANFORD.

MICHIGAN CENTRAL RAILROAD Co., }
PRESIDENT'S OFFICE, }
DETROIT, June 18, 1869. }

MY DEAR SIR: I have yours relative to the statement of a prominent gentleman from Cherokee county, as to the anxiety of the settlers to go into the courts to test the question of title, and that the institution of legal proceedings would allay excitement, and also that the building of the railroad would be favored instead of opposed. Of course, I have no objection to any test as to the title, but have seen no evidence as yet of any willingness on the part of that portion of the settlers who make this disturbance, to acquiesce in any decision relative to the title. At my request, some little time ago, the Hon. George A. Crawford, of Fort Scott, traveled through the Neutral Lands, and saw all the prominent men who are the authors of this trouble, and among them, Mr. McDowell, a member of the legislature of your State. That you may be fully aware of the terms upon which they will use their influence to stay this agitation, I enclose to you Mr. Crawford's letter to me stating the results of his interviews. I do not think that if you occupied the position of the railway company you would quite submit to this, or that you would advise it.

If the settlers will agree to abide by the decision of the courts, and if the title of the railroad company is sustained, acknowledge its validity, and then pay what the land will be worth with the railroad through it, we could afford to present them with a large sum of money. The land which we offer to them at from \$2 to \$5 per acre, we could sell quick at from \$5 to \$10, and we could well afford to be at the expense of a suit, and wait the result; and it is manifestly unjust to appeal to litigation, without any design of abiding by the results of it. In war, (a contest where a party wins or loses all,) to the winner belongs all he wins, and the loser loses all that the other gains. If the wish of the settlers is to appeal to this arbitrament, and will, when beaten, allow us to exercise the rights of owners, and sell at such prices as shall then be fair, we would ask nothing better, and we will of course join them in the appeal. You may be sure, however, that this is not their purpose.

I will further suggest that this is not the interest of any of those settlers. There are very many of them who are vastly better off with the proposition we make them, than in any other possible way, and are not only content with the propositions, but think them exceedingly liberal—as they unquestionably are. If the resort must be had to litigation, it must be of course with the full understanding that both parties shall abide by the decision, and when it should be made the stockholders of the railway company, of whom I am only one of many, of course, will refuse to sell at half or quarter value of the lands, and there would be no argument by which I could induce them to do it, and in truth there would be no reason why they should. And we are not mistaken when we say that with the railroad through that country, there will not be in two years an acre of land in the Neutral Tract which will not sell for \$8, and from that up to \$15 and \$20, along the road in some parts of the country. Why should we, who shall have opened the country, given it the advantages of railway accommodations, and given it this value, and have had the title sustained by decision after litigation, sell these lands to the men who have been our enemies, and given us all this trouble, for a quarter of the price which others will be glad to pay us? After litigation we certainly would not do this, and I may frankly say ought not to do it. That line of action, therefore, is not for the interest of the settlers themselves, and if we consult their interest alone, should not be resorted to. It will be ruinous to them, and put all the lands beyond their reach, while now every one of them, on the cheap price and liberal terms we offered, might secure his home and become in a few years, with the inevitable rise in the value of lands, independent. If they prefer litigation and will abide by it, so that we shall have no further trouble, we can put the matter in a position by a suit against some of them, which will bring about a decision.

Will you allow me to remark that in my judgment the purpose of the gentleman from Cherokee county was not so much to have the question of title decided, as it was to find out, if possible, from you, how efficiently the troops were to be used for the protection of citizens who are disposed to be

quiet, and accept the terms offered, and there are very many of them. The condition of that portion of the people who are against these men is terrible; their lives and property are in constant peril. I have letters from such almost daily. Some of them are driven away from their homes, and the terror which reigns there is hardly conceivable, and, unless I mistake, the gentleman who came to you is perhaps more than any other man responsible for it. If it were proper for me to make a suggestion, it would be that the most vigorous policy is at once the best and wisest. All quiet people should be protected in their person and property. All Leagues, which are used for purposes of violence and terror, should be dissolved and prohibited. All men who violate the law and the rights of others, should be arrested and punished. It is one of those cases where the most resolute vigor is the greatest wisdom, and where severity now, will save much trouble in the future.

With much respect, I remain yours, truly,

JAMES F. JOY.

His Excellency, James M. Harvey, Topeka.

PETERSVILLE, CHEROKEE Co., June 22, 1869.

Governor James M. Harvey, Topeka, Kansas:

DEAR SIR: You may think I am intruding by writing so much, though, under the circumstances, I feel it my duty to drop you a few lines to give you the true state of things down here; which is, I fear, too late to prevent the military from being sent here. Everything is quiet here, and has been, as much or more so than in any county in the State. No one shot or hung; no civil officer resisted in attempting to discharge his duties as an officer; and a more intelligent, industrious and law-abiding people does not live, in any community than lives on these, the Cherokee Neutral Lands, the opinions of a few Joyites, in Baxter Springs and Fort Scott, who are publishing and narrating in every shape the most wilful and malicious falsehoods, to the contrary notwithstanding.

Now, Governor, I will tell you what these unprincipled scoundrels intend, or have gone so far as to say they intend, to have done as soon as the military arrive, and they feel very sure they will come, and I fear so myself. They say they will arrest all the leading anti-Joy men, and drive all who are opposed to Joy out of the country; make them leave their homes and farms they have spent their all to improve, because they are not willing to recognize Mr. Joy as king and ruler. If we are trespassing on Mr. Joy's rights, he can bring suit any day, and try the legality of his title; if it proves valid, we say amen, but we do protest most earnestly against being driven from our homes without having a legal hearing, and will not submit to it very tamely. We would have no trouble if outsiders, that do not live on these lands, would let the people have their rights, and not favor selling us out, root and branch, to build a railroad for their own benefit.

The main object is to drive out and embarrass the people here so that they can control and run this country in the interest of Mr. J. F. Joy; we are ready and hope Joy will bring suit and have the matter legally settled, and not undertake to force and bully us off of our hard-earned homes.

I would like to know, if you think I am not asking too much, whether it is going to be your policy to use the military in the interests of Mr. Joy, or whether you will protect the settlers, or not throw any obstruction in their way at least, so they may have a chance to protect themselves.

Yours truly,

E. C. WELLS.

WIRTONIA, KANSAS, July 5th, 1869.

James M. Harvey, Governor of Kansas:

DEAR SIR: I have thought to drop you a line, that you may be made acquainted with the position of affairs existing here. Since my return everything has remained quiet, though the Joy men boasted largely of what would be done when the "troops" came. They came, and passed through to Crawford county, much to the chagrin of the rascals in

Baxter Springs, who, to get them here, perjured themselves. But instead of proving to the world, and you in particular, that the settlers were lawless, and would resist the civil authorities, warrants were issued for some of the most determined "Leaguers;" (those they supposed would lynch the officers rather than submit;) the arrests were made peaceably, and the writs answered to promptly, as they would have been at any time previously, when properly issued and legally served. But, sir, justice seems to be no part of the game by Joy or any of his hired pimps. Two of the men arrested had their trial, and although there was no evidence of the charge, yet the justice bound them in a bond of \$700 each to appear at court. Again, to show you that if it lays in the power of those opposing the settlers, they will inaugurate a reign of just what they have so industriously circulated, and which was the cause of our country being disgraced by the presence of United States troops; when waiting for trial, one of the men in charge of a deputy sheriff was fired on twice by a scoundrel on the street, and the authorities (?) never offered to arrest him until threatened with prosecution; and then was furnished with money and allowed to escape. These are the men that you have brought United States troops here to assist in maintaining law and order in Cherokee county. We have but recently ascertained the fact that our drunken sheriff has been acting without filing any bond, and consequently illegal, and the clerk of the circuit court was arrested to-day for forcibly removing his office from the county seat, and also for assault and battery. These two men furnished you the legal information that they could not enforce the law in Cherokee county. You can judge of the truth from the character if you had not the evidence of every honest man in Cherokee county that it is false. And it was procured from those scoundrels, and those in Crawford county, by Colonel Coates; money and threats were freely made use of. If there is any law in Kansas, we intend to appeal to it, and put these men where the world may know of their rascality, and they made to feel, that to perjure themselves and vilify a whole community cannot be done with impunity. Hon. Sidney Clarke, accompanied by Mr. Hoyt and John Speer will

be here to address the citizens of our county, to-day. I refer you to them for a full statement of what I have mentioned above. I have been exerting myself, with others, to bring the matter of dispute into the courts, and if Joy is only as accommodating as he desires that people should think him, he will at once institute a suit to test his title. We have Lawrence and Butler employed to defend, and await the action of the railroad company, and have no fears that we will ever have to buy our land of James F. Joy, or any other monopolist. I have not a word to say about the troops sent in our midst. I am well convinced that their presence here will result in our benefit, Congress will be forced to notice us next winter and if noticed we will get redress from the source it should come from. Coates could not have pursued a course more suicidal to the interest of the "ring" than to have called for United States troops to force his swindle on United States soldiers. Looking at it in this light, you may well suppose that we are going to make the best use of the soldiers, and beat the "ring" at their own game.

You need have no uneasiness about our county, so long as justice is evenly administered there will be no trouble. But I suggest that the use of the military be not left with these officials that have proved themselves infamous liars, until you investigate whether their assistance is necessary. Men, who were unscrupulous enough to perjure themselves, will, if allowed, precipitate the county into anarchy to sustain their position, and then make use of the soldiers to carry out their designs. This is feared here, and it is hoped you will give such orders to the commander as will require an investigation before his action in any matter.

I have the honor to be,

Yours, truly,

C. C. McDOWELL.

GIRARD, CRAWFORD COUNTY, KAN., July 8, 1869.

To His Excellency, James M. Harvey, Governor of Kansas:

GOVERNOR: The undersigned, officers and citizens of said county, have the honor to represent to you that we are ad-

vised that efforts will be made to induce Your Excellency to withdraw the United States troops stationed in our county for the preservation of peace, and to assist the civil authorities in enforcing the law. Hon. Sidney Clarke, and others, have recently been inflaming the public mind, and promising that by their influence, said troops shall be removed; we have the honor to repeat our representations that the peace cannot be maintained, the laws enforced and person and property be safe without the presence of the troops, and we further represent that in our judgment the life and property of peaceable citizens would be greatly in danger, in case of the withdrawal of said troops. We have the honor, therefore, to request that Your Excellency will take no action for their withdrawal until we are advised and can further represent the condition of the case. All of which is respectfully submitted.

J. M. RYAN,
Sheriff.

D. S. McINTOSH,
Probate Judge.

C. G. HAWLEY,
T. PAINTON.

MONMOUTH, KANSAS, August 14th, 1869.

To His Excellency, the Governor of the State of Kansas:

SIR: It has become my duty to represent to you, on the part of the settlers on the Neutral Lands, facts which demand your immediate attention. There are depredations daily being committed on the people of these lands by certain lawless rabble, which, if not corrected, will result in great injury to the best interests of the country. You, as the chief executive of the laws of the State of Kansas, have it in your power to put an end to these misdemeanors, and you will, undoubtedly, in a great measure be responsible for the bad consequences that may follow if you neglect or refuse to stop at once the wrongs which are being inflicted upon the settlers on these lands. The people have settled on these lands by authority of the laws of Congress of the United States, therefore, they

claim the protection of those laws, and also of the State of Kansas. Near the line between the counties of Bourbon and Crawford there has been a military camp established by your authority, consisting of one company of United States soldiers and about one hundred Irishmen, subject to the command of the sheriffs of Crawford and Bourbon counties. These sheriffs keep up a regular military camp, composed of this mongrel band of soldiers and Irishmen. They keep out pickets on the different roads through the country, and arrest peaceable citizens while attending to their lawful avocations, even go so far as to arrest physicians while visiting their patients. We would like very much to know by what authority four Irishmen, with Spencer rifles in their hands, arrest a physician upon the highway while visiting the sick, and march him into a military camp, composed of soldiers and citizens, without a warrant of any kind, in a country where there has been no martial law existing for more than four years. We had supposed that an American citizen could not be deprived of liberty (the richest boon of man) without due process of law. There is no telling where these wrongs will end. While the settlers are thus awed and kept in their houses during the night, their cornfields and potato patches are being rifled of their contents. If there has been violation of the law in this portion of the country on the part of citizens, why do you not cause the law to be executed against them, and not inflict such gross wrongs upon inoffensive citizens? We now demand of you that you redress these wrongs, and correct this lawless state of affairs, by immediately removing those soldiers and disbanding those Irishman. If you are in favor of law and order, you will undoubtedly concede to this most reasonable demand. But if it is your intention to protect, by the strong arm of the military authority of the government, a soulless band of the most foul-hearted land-sharks, who are mazing every effort in their power to suck the last drop of blood of the life of the nation, you will of course refuse, and we, the unfortunate settlers on this vast tract of land, will be compelled to turn with sad hearts and make an appeal to the people of this great nation. We wait with impatience your decision.

H. D. MOORE.

FORT SCOTT, KAN., August 29, 1869.

To His Excellency the Governor of Kansas, Topeka Kansas :

I have thought best to address you on the subject of the difficulties in the Neutral Lands, without doubt familiar to you. Very many of the settlers there honestly believe they have rights that justify a resort to violence against the parties who have bought the lands, and are now building a railroad across them. They are regularly formed into regiments, with a duly elected commander, and have a vigorous working organization. You probably know of each individual act of violence committed by them, of the recent burning of a large number of railroad ties, and that the military forces of the United States have been called here to assist the civil authorities in maintaining the peace. However much good this may do, it will still be impossible to guard all exposed property and interests of the company towards which this hostility is manifested, and you know the inertness of civil law in communities not in sympathy with it. To avoid, then, a necessity that may arise for exercising martial law here, I have deemed it my duty to state that I believe your presence with these people for a few days, holding meetings with them, and explaining the true condition of the Neutral Land question, will do much to avert unpleasant complications. There is scarcely a doubt but they have been misled by ambitious men. They should understand clearly that these lands have not belonged to the United States during any of the time that any of the settlers now there have been on them, and consequently none of the laws for squatting, pre-empting, or homesteading, can be made operative on them. Also, that it has been sold in conformity with law, and that the United States is bound to give peaceable possession at any sacrifice. And also, that the purchasers are ready, in good faith, to give every settler his land at a just valuation. Pacific counsels, a full assurance of fairness upon the part of the purchasers, and that the troops of the government are not sent among them for oppression, but to maintain the peace, will do more than all else to allay passions that may otherwise lead to the most unpleasant results.

I am, very respectfully, your ob't. serv't.

W. B. HAZEN,
Col. 6th Cav., Bvt. Maj. Gen.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
TOPEKA, Sept. 3d, 1869. }

General W. B. Hazen, U. S. A.:

DEAR SIR: Your favor of the 29th ultimo is at hand. If my presence upon the Neutral Lands will be conducive to the preservation of peace, I will gladly visit that locality, and urge upon all parties in person, as I have already done by proclamation, the duty of obedience to the civil law, and of resort to the courts for redress of grievances. Further than this I cannot go. Except when called upon by the civil authorities to furnish force to enable them to execute the law and preserve the peace, it does not comport with my official duties to decide questions of law as to the title of those lands—that must be determined in the courts of law. I cannot, therefore, presume to decide that question, as I would virtually assume to do were I to try to explain “the true condition of the Neutral Land question,” as suggested in your letter; and I doubt the propriety of my going there to hold meetings for any purpose connected with the question in controversy. Questions of law must ultimately be decided in the courts, and it would probably and justly be regarded as an unwarrantable interference on my part, were I to assume the *role* of adviser of either of the parties in their business relations to the other, that being a matter of which I have no cognizance. My duty is simply to see that the local authorities, charged with the execution of the law and the preservation of the peace, are not prevented from exercising their legitimate functions by the intervention of force. This has been my policy from the beginning, and I anticipate no unpleasant results if it be continued to the end.

I am, very respectfully,

Your obedient servant,

JAMES M. HARVEY.

COLUMBUS, KANSAS, August 31st, 1869.

To James M. Harvey, Governor of the State of Kansas :

SIR: I have the honor to respectfully request a certified copy of the "official information" you received from the "authorities" of this county, (Cherokee), that the execution of the laws had been resisted, upon which your proclamation to the people of this and Crawford county was based.

I beg leave further to inform you, that one company of United States troops are now in this county, and I am informed that another company is in Crawford county, and that two more are to arrive soon.

I wish to know from you, the Governor of our free State of Kansas, by what authority and for what purpose these troops are here. We have tried every means to ascertain this, without success. Our information is, that these troops are here through your instrumentality, for what purpose God only knows, for we don't. James F. Joy and his hirelings say that they are here to protect the railroad interest, and drive every settler off the land who refuses to purchase his home from the Missouri River, Fort Scott & Gulf Railroad Company, at their own price. I have seen, myself, a letter written by Mr. James F. Joy, with his own hand—a letter which he refuses to permit to be published—in which he says that the government sold the land to him, and he will demand that the government remove these settlers and put him in possession. Will the government accede to his demand? is a question which is seriously agitating the minds of our citizens, and one which I would like to have you answer. And, really, I think there is danger of just such an emergency, and who can tell the consequences? I tell you, Governor, as true as I am an American citizen, I will never tamely submit to be driven from my hard-earned home with my family. Neither yourself nor the President of the United States have any authority to command such a thing, and I, in common with thousands of as true hearts as ever followed our flag, will fly to arms to resist such damnable tyranny. I say this calmly, and after due deliberation; I would rather die a freeman than live a slave!

In my humble opinion, sir, these troops are here now without any authority of law, and in violation of the constitution of the United States you and I have sworn to support. There are only two cases in which the President has any authority, in the constitution, to send troops into this State, and that is to protect it against invasion and against domestic violence. [See section 4, article 4, United States Constitution.] There is no invasion in this part of the State. If domestic violence is the pretext for sending these soldiers amongst us, upon whose "application?" Certainly not the legislature, for they have not been in session. Was it on the application of the Executive? I would like an answer to this question. The legislature might have been convened, for it must be an "extraordinary occasion" when ex-United States soldiers are to be put under guard in this manner, without any charges being preferred against them, and they denied the right of trial by jury in the courts. If it is true, as reported, that you made this application, at the bidding of Col. K. Coates, what security have we that you will not make "application" to have the "demand" of James F. Joy—Coate's lord and master—complied with? We, of this county, gave you 635 majority, out of a vote of 1,358, last fall, and it was expressly stated to us, during the canvass, that you had pledged yourself to our interests. Now, sir, you could not get two hundred votes in the county, if it was known that you are in the interest of the monopoly that is trying to crush us. We have written you several letters, but have never received a reply. Will you answer me? It is more than mooted here that Ward Burlingame runs the Executive Department. Kick him out. He has been Governor long enough. When this land question is settled by Congress, or in the courts, we will submit and abide the decision, which you very well know. But until then we will defend our rights, our homes and our firesides, peaceably if we can, forcibly if we must.

Yours, respectfully,

AMOS SANFORD.

BAXTER SPRINGS, KANSAS, September 3d, 1869.

His Excellency, Governor Harvey, Topeka Kansas :

DEAR SIR: We beg leave to inform you that by order of the "Neutral Land League" we have had about three thousand railroad ties burned and totally destroyed in this county. This was done by members of the League, many of whom are known and could be prosecuted to conviction, were it not that the civil law, as directed against them, is totally inoperative.

Respectfully, yours,

INGRAHAM, WEAVER & CO.,

Tie Contractors, Missouri River, Fort Scott & Gulf R. R.

To James M. Harvey, Governor of the free State of Kansas :

WHEREAS, The constitution of the United States, which we respect, adore, and regard as the law of the land, in article four, section four, reads as follows, to-wit: "The United States shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence." And

WHEREAS, The constitution of the State of Kansas, article one, section five, contains this clause, to-wit: "He, (the executive,) may, on extraordinary occasions, convene the legislature by proclamation." And

WHEREAS, "Domestic violence" has not existed, nor is now existing, on the so-called Cherokee Neutral Lands, nor has any civil writ or process been resisted while being executed. And

WHEREAS, United States troops are now among us without having been sent here through the proper channel, we, the citizens of said Lands, do respectfully petition and demand that the legislature of this State be at once convened to

inquire into and investigate the propriety of sending troops to the Cherokee Neutral Lands of Kansas, to protect the State of Kansas from "domestic violence."

Columbus, Sept. 4th, 1869.

J. N. RITTER,
County Attorney,

And twenty-six others.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
TOPEKA, Sept. 16th, 1869. }

Amos Sanford, Esq. :

SIR: Your letter of the 31st ultimo is at hand. I enclose certified copies of the papers you request, and in response to other portions of your letter, will state that I am responsible for all my official actions, and that if you desire further correspondence, you will be gratified upon couching your letters in terms fit and proper for one gentleman to use in addressing another.

Yours respectfully,

JAMES M. HARVEY.

To His Excellency James M. Harvey, Governor of the State of Kansas :

Your petitioners would respectfully represent:

That there are, at the present time, a number of United States troops stationed on the Cherokee Neutral Lands, in the State of Kansas.

That the Constitution of the United States, (Art. IV., Sec. 4,) says: "The United States shall protect States against"—"domestic violence"—"on application of the legislature, or of the executive, when the legislature cannot be convened."

That the constitution of the State of Kansas, (Art. I., Sec. 5,) says: "He may, on extraordinary occasions, convene the legislature by proclamation."

That the legislature of the State of Kansas has not yet made application to the United States for "protection against domestic" or any other "violence" on the Cherokee Neutral Lands.

That there does not now exist, nor has there at any time existed such a state of affairs as prevented or hindered the convening of the Legislature.

That on the "Cherokee Neutral Land," no officer has been resisted, or in any way obstructed in the execution of any process, civil or criminal.

That no session of any court has been interfered with in any manner whatever.

That the action of the Governor of Kansas, in requesting troops to be sent here, and of the President of the United States in granting the request, is totally without precedent in the history of this nation.

That, the fact of this having been done in the interest of a monopoly as against thousands of loyal white Americans, to enable the monopoly to override justice, law, and the constitution of the United States, and to break down and discourage the settlers and thus prevent their applying to Congress and the Courts for simple justice, and for the benefit of the laws of our country, makes this case an alarming precedent for the subversion of the rights and liberties of the American people in the future.

That the action of the Governor and of the President in allowing the monopolist to have troops here under the circumstances existing, furnishes to the enemies of the political party that placed them both in their present positions, the strongest weapon that has yet been put into their hands with which to divide and disintegrate that party, by enabling them, if this "Joy swindle" is carried out, to point to the promises of that party, so often repeated to the settlers of the new parts of our county, broken; to it's professions of protection to the humblest of American citizens, belied, to it's oft reiterated position against monopoly, made ridiculous; and to the trust accorded to it by the majority of the voters of the nation, that the constitution and the laws should be carried out in practice, betrayed.

We would further represent that the personal presence among us of the Governor of the State of Kansas, for the purpose of learning the truth in regard to ourselves and to circumstances here, would be gratifying to the people as an indication of a possibility that we might yet hope for fair play.

We, therefore, ask that the legislature may be convened at the earliest possible day, in order that the proper and constitutional authority, in such cases, may take intelligent action; feeling confident, as we do, that in that event the troops would be instantly withdrawn, and we left to contend on even terms before the legislative and judicial departments of our government with the men who are seeking to perpetrate on us and on our children an unmitigated and illegal robbery.

We further ask this as one most effectual means of placing before the public the real truth in regard to the now celebrated "Cherokee Neutral Lands" case, in justice to the good name of our State, and especially to our wronged and injured section thereof.

We ask that, if you do not convene the legislature, you do immediately withdraw these troops from the Cherokee Neutral Lands.

E. C. WELLS,

And six hundred and sixty-nine others.

To His Excellency James M. Harvey, Governor of Kansas :

SIR: On entering upon the duties of my office, as sheriff of this county, I find a force of United States soldiers stationed near this place, and am informed that they were sent here upon your application, at the instance of my predecessor, William G. Seright. Never having known or heard of any resistance having been offered or made against the service of civil process, and the sittings of courts having never been interfered with, nor their authority and powers obstructed in any manner, and the county not being in a state of insurrection or rebellion, and there being no invasion of this part of the State, I am at a loss to know for what purpose they were procured and quartered upon us; and,

WHEREAS, The loyal citizens of the county feel that the presence of troops amongst us in a time of profound peace, procured as they have been, is a most flagrant outrage, unwarranted in the constitution, unauthorized by law, utterly at variance with and repugnant to the genius of our free republican institutions, alike destructive to the manhood, and dangerous to the liberties of the citizens, jeopardizing the peace and retarding the settlement and development of the county; and,

WHEREAS, Their presence amongst us is a living insult to the loyalty, patriotism, honor and dignity of the people, and a disgrace to the State.

Now, therefore, I, Joshua S. Vincent, sheriff of Cherokee county, do hereby certify to your honor that there is no necessity of United States troops, or any other military force, being stationed in this county, and that their services are not required. And feeling fully competent and able to discharge the functions of my office in strict compliance with my official oath and the law, I most respectfully call your attention to section 4 of that portion of our constitution denominated the "Bill of Rights," and request its enforcement by the speedy withdrawal of the troops from my county.

Given under my hand, at the sheriff's office, Columbus, Kansas, this 14th day of January, A. D., 1870.

JOSHUA S. VINCENT,
Sheriff of Cherokee county.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
TOPEKA, January 22, 1870. }

Joshua S. Vincent, Sheriff of Cherokee County:

SIR. Your letter of the 14th instant is at hand. I forward herewith a copy of my annual message to the legislature, from which you can glean information as to the cause of the presence of the troops you speak of, and why I have refused to request their withdrawal. They are not quartered upon you, nor upon any one else; their presence is not a vio-

lation of section four of the bill of rights, nor of any other constitutional provision; they will not hinder you in the performance of your official duty; you will therefore let their presence give you no further uneasiness.

Very respectfully, yours,

JAMES M. HARVEY.

To His Excellency, James M. Harvey, Governor State of Kansas :

SIR : On entering upon the duties of my office as sheriff of this county I find a force of United States troops stationed near this place; I am informed by a certified copy of the sheriff's certificate to Your Excellency directed, and was sent here upon your application, at the instance of my predecessor, J. M. Ryan. Never having known or heard of any resistance having been offered or made against the serving of civil process, and the sitting of courts having never been interfered with, nor their authority and powers obstructed in any way, and the county not being in a state of insurrection or rebellion, and there being no invasion of this part of the State, I am at a loss to know the purpose for which they were procured and quartered upon us, and the loyal citizens of the county feel that the presence of troops amongst us in a time of profound peace, procured as those have been, is a most flagrant outrage, unwarranted in the constitution, unauthorized by law, utterly at variance with, and repugnant to the genius of our republican institutions; alike destructive to the manhood and dangerous to the liberties of the citizens; jeopardizing the peace and retarding the settlement and development of the country; and their presence amongst us is a living insult to the loyalty, patriotism, honor and dignity of the people, and a disgrace to the State.

Now, therefore, I, H T. Coffman, sheriff of Crawford county, do hereby certify unto Your Honor, that there is no necessity for United States troops, or any other military force being stationed in this county, and that their services are not required. And feeling fully competent and able to discharge the functions of my office in strict compliance with my official

oath and the law, I respectfully call your attention to section four, of that portion of our constitution denominated the "Bill of Rights," and demand its enforcement by the speedy withdrawal of the troops from my county.

Given under my hand, at the sheriff's office, Crawford county, this, the 31st day of January, A. D. 1870.

HENRY T. COFFMAN,
Sheriff of Crawford County, Kansas.

FORT SCOTT, KAN., Feb. 10, 1870.

Messrs. Sanford, Burris and others, Committee of the Legislature:

GENTLEMEN: In compliance with your request that I furnish some data from this office relative to the different classes of claimants, holding under Mr. Joy's purchase of the Cherokee Neutral Lands, I have the honor to submit the following, stating, however, that while many of the figures are approximate, my opportunities for making the estimates have been such as to render their correctness tolerably certain:

The first class are those who resided upon or occupied land prior to the date of Mr. Joy's purchase, and who are privileged to buy their land, not to exceed one hundred and sixty acres, at prices ranging from two to five dollars per acre, and on six years' time, paying interest at the rate of seven per cent. per annum, provided they made proof of such settlement or occupancy, during the time the office was open to receive them; which was from December 1st, 1868, to June 1st, 1869; this class numbered in all about fourteen hundred settlers, covering, perhaps, one hundred and ninety-five thousand acres of land. Nine hundred and three made the required proof, of whom seven hundred and eighty-four have already received their contracts; fifty more have applied, but their cases are held under advisement, as some doubt exists as to the validity of their claims. Of the balance, there is reason to believe that many have been prevented, through fear, from obtaining their contracts, while others have abandoned their improvements, a residence on the land, in its then disturbed condition, being distasteful to them.

In addition to the nine hundred and three old settlers who made the required proof, there have been, since the office opened for contracting, on the 25th of August last, ninety-nine applicants to purchase under Mr. Joy's proposition to settlers prior to June 10, 1868, a majority of whom have made oath that they were prevented from making the required proof at the proper time, through fear of personal violence from members of the so-called Land League had they done so; there is hardly a day passes that does not add to the number of these applicants.

Of the number of those who have settled upon the Neutral Lands since Mr. Joy's purchase, it is almost impossible to form anything like a correct estimate. There is, and has been, a constant tide of immigration, and probably about two hundred and fifty thousand acres of the land is occupied by this class. The original tract consisted of eight hundred thousand acres, of which about one hundred and sixty thousand acres was and is occupied by what is known as "treaty right" settlers, or those who get their land through the government.

Very respectfully, your obedient servant,

T. H. ANNABLE,
Cashier Land Department.

MINORITY REPORTS.

REPORT OF MR. SANFORD.

MR. SPEAKER: The undersigned, a minority of the Select Committee appointed in accordance with the resolutions hereto attached, for the purposes therein set forth, beg leave to submit the following

MINORITY REPORT.

The entire Committee proceeded to the "region" of the Cherokee Neutral Lands, and took the testimony of thirty-one (31) witnesses, in writing, seven of whom were examined at Fort Scott, eleven at Girard, six at Columbus, and seven at Baxter Springs—the first and last mentioned places not being on said Lands. Of this number there are six who are members of the Neutral Land Home Protecting Corps, a secret organization formed among the settlers, for the purpose of testing the validity of the "Joy title" to said lands in the courts, and three who are classed as settlers' men, but not members of the organization, while the other witnesses twenty-two in number, are either railroad employees or supporters of the "Joy purchase." The testimony of these witnesses, together with that of His Excellency, the Governor, and the papers found in the office of the Executive, comprises all the evidence obtained by the Committee, and which is too voluminous to recapitulate. After making as thorough an investigation as was possible in the limited time the committee devoted to that purpose, and after carefully considering the questions submitted to the committee, I deem it my duty

to state that, in my opinion, there never existed, since the organization of the counties of Crawford and Cherokee, any necessity for stationing United States troops upon the Cherokee Neutral Lands, and that *there is no necessity for their presence there now*. This opinion is based upon the fact that the evidence shows, beyond a doubt, that the courts of record have held their terms regularly, and have never been obstructed in any manner or form; that no judicial officer has ever been prevented by violence or threats of violence from issuing warrants for the arrest of any persons charged with the violation of any law, and that no sheriff or other ministerial officer has ever been resisted or prevented, in any manner, from executing any writ, or performing any duty, by any citizen of either of said counties. The only case of resistance to the execution of the civil law, as shown by the testimony, is that of a soldier in or near the town of Girard, who struck and kicked the constable who attempted to arrest him under the authority of a warrant issued by a justice of the peace. That there has been violations of law in those counties it is true, but in those cases most complained of, to wit: The burning of railroad ties and driving surveyors from the line of their work, there has been no attempt made to bring the offenders to justice, neither before nor since the arrival of the troops upon the Neutral Lands. The troops have in no instance been called upon to assist in the preservation of the peace or to quell any disturbance whatever. They are stationed along the line of the railroad, and are quartered in barracks provided for them by the railroad company. The petitions forwarded to the Governor from citizens of those counties, asking for military aid, was signed only by the citizens of Baxter Springs and Girard. The evidence shows that three-fourths of the people of the last mentioned place are what is called there "Joy men," and that the petition was circulated by one T. H. Annable, of Fort Scott, an employee in the land department of the railroad company, who also procured the certificate or requisition from Sheriff Ryan, of Crawford county, on the 18th day of May last, and transmitted them to the Governor. The committee were unable to procure the testimony of J. M. Ryan, ex-sheriff, for the

reason that he had "gone to Arkansas" three days before the arrival of the committee, and William G. Seright could not be found in the county of Cherokee. In my opinion the presence of the troops was procured by the parties interested in and claiming title to the land in controversy, for the purpose of overawing the people and intimidating them into submission to the terms offered them by James F. Joy, the so-called "railroad king," who purchased that portion of the tract unoccupied on the 11th of August, 1866, consisting of about 670,000 acres, at \$1.00 per acre, on nine years credit, which sale was made by the Secretary of the Interior, without the authority of any act of Congress, and consequently is believed by the settlers to be void, as they have been so advised by eminent legal counsel.

The papers presented to the Governor, however, show on their face that the military force asked for was for the "preservation of the peace," and that officer states in his testimony that he made application to the President for that purpose. The question here arises, "Was this application made by the proper authority?" Section four of article four of the constitution of the United States, authorizes the legislature of the State to make application to the United States to protect the State against "domestic violence," but, in my opinion, there is no authority conferred upon the executive to make such an application, except in cases "where the legislature cannot be convened," and it has been held that the application must show that fact on its face. In this case the legislature might have been convened by proclamation, under the provisions of section five, article one, of the State constitution. There was no "domestic violence" in the State to prevent it, and, in fact, the papers from the Governor's office show that five hundred and eighty-seven of the very men who are charged as being rebellious, lawless and insurrectionary, petitioned the Governor to convene the legislature for the purpose of taking the matter into consideration. Section four of article eight, of our State constitution, entitled "militia," reads as follows: "The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion," and it seems to me that

the military power of the State, if any was needed in this case, should have been brought into requisition before any application was made for federal soldiers to be stationed in Kansas, to the disgrace of the State. The impression is created abroad that there is now existing on the Cherokee Neutral Lands, in Kansas, a rebellion so formidable that the militia of the State cannot suppress it, and therefore federal bayonets are brought to bear upon the settlers there. The same pretext that is used in this case, for the purpose of stationing United States troops in those counties, could be as consistently used in nearly every county in the State, and yet Kansas is famed for her loyalty and devotion to the principles of our democratic-republican government. Believing that standing armies in time of peace are dangerous to liberty, and that the military should at all times be in strict subordination to the civil authority, and that the presence of troops upon the Neutral Lands, at this time, is a source of irritation to the people, and is humiliating to thousands of as true men as ever followed the flag of our Union in its hour of peril, I submit the following concurrent resolution, and recommend its adoption:

Resolved, By the House of Representatives, the Senate concurring: 1. That the President of the United States be, and he hereby is, respectfully requested to cause the troops now stationed upon the Neutral Lands in Kansas, to be removed and sent to the frontier for the protection of settlers from Indian hostilities. 2. That the Secretary of State be instructed to transmit a copy of these resolutions to the President of the United States, without unnecessary delay.

All of which is respectfully submitted.

AMOS SANFORD,

Chairman.

Be it resolved [by the House of Representatives of the Legislature of Kansas:]

That a select committee of five be appointed to take into consideration that portion of the Governor's Message which refers to the Neutral Lands, to investigate the matter of sending United States troops there, and to ascertain whether or not there ever existed any necessity for the aid of the military arm of the Government on said lands, and if so, whether or not that necessity still exists. Said committee are hereby authorized and empowered to send for persons and papers, take testimony of witnesses, and administer oaths.

Adopted by the House of Representatives, Feb. 4, 1870.

HENRY C. OLNEY,
Chief Clerk.

Resolved, That the special committee appointed under the resolution providing for a committee to consider that portion of the Governor's Message pertaining to the Cherokee Neutral Lands, be authorized to visit that region, and report upon the acts of both the people and the troops there located.

Adopted by the House of Representatives, Feb. 4, 1870.

HENRY C. OLNEY,
Chief Clerk, H. R.

REPORT OF MR. SNEAD.

MR. SPEAKER: The undersigned, one of the Committee appointed by your honorable body to investigate the matter of sending United States troops to that portion of the State known as the Cherokee Neutral Lands, and to ascertain whether there ever existed any necessity for the military arm of the government there, and, if so, whether or not said necessity still exists, respectfully reports that he is unable to agree with the majority of the Committee in this: That the said majority have clearly enlarged the jurisdiction of the said Committee and the scope of inquiry which they were empowered to make by the House; for the undersigned cannot be mistaken in presuming that it was the intent and purpose of the House to limit the inquiries of the Committee to the service of process, and the enforcement of law, on the district known as the Neutral Lands; whereas, the majority of the Committee insisted upon giving their inquiries an unlimited range over the whole field of sentiment and action of the people of said lands, whether it had anything to do with the administration of justice, or the serving of processes, or not. For example, it will be seen from evidence that the Committee went into an investigation of an alleged speech made by the Hon. Sidney Clarke, a member of Congress from this State, on a certain occasion, and also of the speeches made by other parties at the same and other occasions. What this had to do with the resistance of civil process, the undersigned could not see, and therefore, of course, objected

to the same, though in vain. Since the majority of the Committee seemed to him to be upon a political rather than a *bona fide* legislative mission, and bent rather on making capital against some fancied political enemy than in reporting plain facts, on a very plain matter, submitted to them for inquiry report.

And it will be perceived, by reference to the testimony accompanying the report of the majority of the Committee, that very much is of this kind and description, to-wit: Entirely irrelevant to the inquiry submitted to them for investigation; and if, in order, the undersigned would respectfully submit the propriety of striking out all such evidence before publication, as manifestly irrevelant to the objects and purposes for which such Committee was constituted and appointed.

Nor is this all; a large proportion of such evidence will be found to be mere hear say, and consequently incompetent, under any legal rules of evidence, the undersigned having frequently objected to the same, but without effect. For example, the entire evidence in relation to the burning of certain ties heretofore mentioned or referred to in the public prints, consists of the testimony of parties who heard a man say, who acknowledged himself a Leaguer, that the Leaguers burned them. No names are given in this connection, nor did the Committee insist on having the names of the said third party who thus represented himself as a Leaguer, that he might be found, and the credulity of the story thus tested.

Again, the Committee, as if recently charged by that great enemy of secret societies and associations, Senator Pomeroy, to institute rigid inquiry into all the requirements of such associations, and presentment make to the legislature, proceeded to swear men and compel them to disclose, in detail, all the internal paraphernalia of such associations; "what the design of such association was; whether they were governed by an oath, etc.;" while the undersigned insisted (but insisted in vain, as before,) that the only necessary and proper questions to be put to such witnesses, were, whether their association had for its object and purpose the resistance to law and the service of process. Whether the said evidence

will be interesting to the members of the House or not, the undersigned will not undertake to decide; but he does say, that it showed no criminal interest or purpose on the part of the members of such association, at which a majority of the Committee seemed to be very much disappointed and disgusted, and, as a last resort under the smarting of such disappointment, it will scarcely be believed by the House that the Committee summoned before them the party known as the wild man of the prairies, or the gorilla, whom members of the House will recollect to have read of in the public press of last fall, as ranging over Southern Kansas, and infesting its swamps, to the great terror of women and children, and proceeded to examine him with all the solemnity of a sensible and credible witness, although he freely admitted that he had been impeached by no less than ten witnesses at the last term of the district court in Crawford county.

The undersigned was further surprised to find a disposition on the part of a majority of the Committee to encourage only such testimony as seemed to square with some preconceived notion or theory of such majority. As an illustration of this, one J. W. Davis, having been called and sworn by the Committee, proceeded to testify that the League were not the evil-disposed persons that they were represented to be, which seemed to be entirely unsatisfactory to the majority, and, therefore, he was summarily and peremptorily dismissed, notwithstanding his protestation that it was unfair to call him off in the midst of his evidence. In this connection, the undersigned does not overlook the fact that the evidence shows several sensational demonstrations or disturbances on or about the Neutral Lands, but in no case involving the loss of human life, and, therefore, not of so serious consequences as frequently occur in the towns and villages along the line of the Kansas Pacific railroad, in the western part of the State, and the undersigned is apprehensive that the majority of the Committee are disposed to attach too much importance to these ebullitions of popular sentiment, if such they were. Of course the undersigned does not approve or apologize for scenes that the evidence shows were enacted there; but it is not in proof that the disturbances were made by

settlers upon the Neutral Lands, or by the Leaguers. The undersigned derived the impression from the evidence that they were perpetrated in some cases by half-grown boys, in others by half-drunken rowdies, and in others, he fears, by persons in the employ of, or in the Joy interest. But even if they emanated from men goaded by a fancied or real sense of injury, the House should remember the answer of Dr. Franklin to the Englishman, who insisted that our revolutionary fathers were insurrectionary, and disturbances of the public peace, to wit: "That much, very much, should be pardoned to the spirit of liberty." So, much, very much, should be pardoned to people goaded by a sense of injury; and, when you remember that two Presidents of the United States, and other governmental authorities invited the people to settle upon these lands, from which they are now to be summarily expelled by certain action of the Secretary of the Interior and Senate of the United States, pronounced by the Governor of the State, and two legislatures thereof, as infamous, their action in the matter ought to be charitably regarded, and much more, when it does not appear from the report of the Committee that the officers of the law were even resisted there, or that the body and mass of the settlers are not a law-abiding, moral and religious people.

To proceed to the main points of the case, the necessity for the presence of the military arm of the government on the Neutral Lands, the undersigned will be very brief, as the evidence (with a slight variation) all points in one direction, to-wit: That there was never any necessity for the presence of troops there to aid in the service of process or the administration of the laws. For example: First, In point of credibility and respectability, certainly, in the opinion of every member of the Committee, J. E. Williams, post-master, of Baxter Springs, and J. W. Hightower, of the same place unqualifiedly and emphatically state that no such necessity ever existed, and they are supported in this by the county attorney of Cherokee county, and the under sheriff of Crawford county, both of them evidently most respectable men, as well as the county clerk of the same county, and five or six other witnesses, equally credible, but perhaps not so prominent in society.

Indeed, no one party testifies that the courts were ever obstructed in the execution or enforcement of the law, or that the service of process was ever resisted, except in one case, and that by United States soldiers, since they were posted in that vicinity ; and there was almost a universal concurrence of opinion that the presence of United States soldiers was no longer necessary there. And it is worthy of notice that two-thirds of all the witnesses testifying are in sympathy with J. F. Joy and the railroad company, so that due allowance ought to be made for their prejudices and prepossessions in the premises. Of course, it will be readily supposed that the very first inquiry made by the Committee, on its arrival at the scene of action, was for the public authorities to-wit: the sheriffs of Cherokee and Crawford counties, upon whose requisition His Excellency, the Governor, was induced to call for United States troops to assist in the enforcement of the laws of the State upon the Neutral Lands; and, to our great surprise and disappointment, they had both left the country, one of them reported as defaulter to a considerable amount to his county, and the other, as was supposed, to avoid the alternative of testifying before the Committee.

The undersigned, therefore, both from this circumstance as well as from the general tenor of the evidence bearing upon the point, is forced to the belief that His Excellency, the Governor, was originally imposed upon with reference to the necessity of sending the said troops to the Neutral Lands, and can not fail to believe that in view of the evidence produced by the Committee, he will speedily withdraw them; because their presence there is an impeachment of the character of the people of that section, and a standing disgrace to the State of Kansas. And instead of promoting the public peace, the presence of troops, stationed there to overawe the people, is calculated to stir up ill-feeling, make any breach which may already exist deeper and wider in the public mind, the undersigned, therefore, submits the following resolution :

Resolved, That the Governor be requested to take the necessary steps to secure the removal of the United States troops from the Neutral Lands to the western frontier of Kansas, to protect the settlers there from the threatened depredations of the Indians.

J. H. SNEAD.

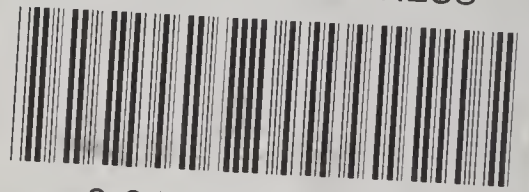
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